

**A COMPARATIVE ANALYSIS
OF THE
1960 AND 1980 MILITARY INTERVENTIONS IN TURKEY**

**A Master's Thesis
Submitted to the Department of Political Science**

**and
Public Administration**

of

**BILKENT UNIVERSITY
In Partial Fulfillment of the Requirements**

**for the
Degree of Master of Arts**

**by
Bircet MAKRAHALCI**

**ANKARA
September, 1995**

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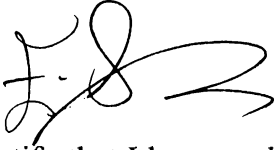
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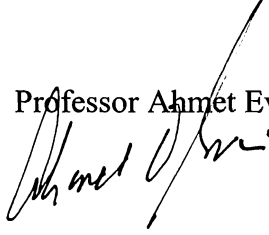
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Professor Ergun Özbudun



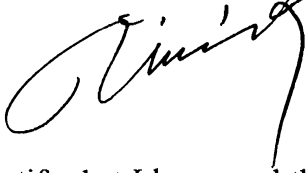
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Professor Ali L. Karaosmanoğlu



ABSTRACT

The objective of this thesis is to analyse the evolution of the role of the military in Turkish politics as the guardian of the state. In doing so, the thesis provides a comparative analysis of the 1960 and the 1980 military interventions. This comparison allows us to see that, although both interventions had aimed at bringing the "rationalist democracy" back in the political life, each intervention employed a different conception of democracy; used it as a ground for the legitimacy of the intervention; and acted, in fact, as a decision-maker to restore state power and state autonomy.

The main argument of this thesis, which was constructed on and out of the comparison between the 1960 and 1980 military interventions, is that in a time when the military acts as a decision-maker and as a state elite, it functions as the guardian of the state. In order to subserve this argument, the thesis proceeds by delineating, in a detailed manner, the way in which each intervention was organised and attempted to restructure the political scene. It offers a comprehensive analysis of the 1961 and 1982 Constitutions in such a way as to demonstrate that, despite their differences, the military in each case placed the need to guard the state- its power and autonomy- at the apex of the political stage of Turkey.

ÖZET

Bu tezin amacı Türk siyasi yaşamında ordunun devleti koruyucu rolünün evrimini, 1960 ve 1980 askeri darbelerinin karşılaştırmalı analizi ile yapmaktır. Bu karşılaştırma bizim şu noktayı görmemizi sağlar: 1960 ve 1980 askeri darbeleri " rasyonel demokrasi " olgusunun siyasal yasama geri getirmeyi amaçladığı halde, her müdahale demokrasi olgusuna farklı anlamlar yüklemiş, demokrasiyi kendi meşru zemini olarak kullanmıştır, ve daha önemlisi devlet iktidarını ve devlet özerkliğini kurmak için bir " karar-alıcı " kurum işlevini görmüştür.

1960 ve 1980 askeri darbelerinin karşılaştırmalı çözümlemesinden üretilen bu tezin ana teması, ordunun bir karar-alma organı veya bir devlet seçkini olarak hareket ettiği zamanlarda, devleti koruma işlevini üstlendiğidir. Bu konuyu daha detaylı araştırmak için; askeri müdahalelerin örgütlendiği yollar ve siyasal yaşamı yeniden kurma girişimleri incelenmiştir. Bu analiz içinde, 1961 ve 1982 Anayasaları karşılaştırılmış ve aralarındaki farklılıklara rağmen her iki darbenin ve yaşama geçirilen anayasaların devleti koruma ve devlet iktidarını ve özerkliğini pekiştirme amaçlarını üstlendiği ortaya konulmaya çalışılmıştır.

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INTRODUCTION

A. THE ROLE OF THE TURKISH MILITARY IN TURKISH POLITICS

Military predominance in public life has a long and strong tradition in Turkey. From the beginning of the existence of a modern army in the Ottoman Empire under Sultan Mahmud II up to the present, the Turkish army has several times intervened directly in the political process: 1876, 1908, in the years of the struggle for independence after the First World War, 1960, 1971, and 1980. Moreover, during the entire period- except during the years 1950-1960- the army has participated substantially in political power: in the Ottoman Empire as part of the ruling class; during the Kemalist period as an important political force behind the scene (in spite of the formal separation of the army from politics); since 1961 as *de jure* (National Security Council) and *de facto* (election of the President of the Republic from among the high ranking military) institutionalised part of the political executive power.

The Ottoman state had a heterogeneous and deeply divided society. During the foundation of the Empire, there were military lords with the ultimate function of achieving military co-operation. The rulers also had to face the external threat of powerful neighbours. Thus, an authoritarian system of rule with a military hierarchy was an inevitable outcome. One of the outstanding features of the Ottoman Empire was its strong military base. The highly organised military was in part recruited from fief holders who had no right to establish hereditary rights to their

lands. It was also in part recruited through the institution of "devşirme" : that is to say, from among the young sons of Balkan Christian subjects of the Empire. The famous Janissaries - the " New Troops" - were boys carefully chosen, converted to Islam and well-trained. The Ottoman Empire had a strong and centralised state authority with a political centre composed of the sultan and his military and civil bureaucrats. The most striking feature of the Ottoman Empire was this particular and virtual identity of state authority and military power.

In the 19th century, reform in education started in the army. The military were the substantial proportion of those Muslims who were trained in modern techniques. Faced by the reaction to change by conservatives in the army itself, as well as outside, the products of these new military schools began to see themselves as **the vanguard** of enlightenment, committed to political reforms, as well as technical innovation. These currents came to the surface in 1876 with the overthrowing of Sultan Abdülaziz, and the subsequent introduction of Turkey's first constitution. The 1876 revolution was, in essence, a coup d'état and those who had launched it were to be regarded by their 20th century successors as an important source of inspiration, and historical legitimisation for subsequent interventions.

According to William Hale, the Young Turk Revolution of 1908 was, in some respects, a repeat performance of that of 1876.¹ He points out that the disastrous experience of the Young Turks in political involvement (via a series of pronunciamientos and coups) led to the Ottomans' disastrous defeats in the Balkans of 1912-1913, the take-over

¹ William Hale, "The Turkish Army in Politics, 1960-1973", paper delivered at symposium, "Political Participation in the Turkish Republic", SOAS, University of London, 16 May 1986.

of the Young Turks' group of Enver, Cemal and Talat, and the eventual collapse of the empire at the end of the Great War.

Following this set of disasters, Mustafa Kemal Paşa and his successors believed that the realisation of the twin goals of national security and modernisation was contingent upon the existence of order and tranquillity in the country and the existence of peace in the external world. They saw themselves as the guardians of the national good. Atatürk created a truly comprehensive organisation including both army personnel and civilians. Following his victory and the proclamation of the Republic, he took off his uniform (except for rare occasions of military ceremony) and insisted on strict separation of military and political affairs; he forced his associates, as well as opposition leaders, to choose once and forever between military and political careers. The principle of the exclusion of the military from open involvement in party politics was the basis of the law passed in December 1923, which obliged serving military officers who were elected to parliament to resign from the army before their election as deputies could be validated. It was reinforced by a section of the Military Penal Code (Art. 148) which made it an offence for any soldier to join any political organisation, participate in demonstrations, or write or speak in public on political topics. The process was carried further in 1946 and in 1950, when the electoral law was altered so as to disenfranchise all officers, soldiers and cadets. For Atatürk, the function of the military-far from daily politics- should be the safeguarding of the nation from external enemies while the function of the political elites should be the elevation of the Turkish nation to the level of contemporary civilisation.

However, Atatürk's removal of the army from politics was never quite complete. Military commanders sometimes continued the

Ottoman tradition of doubling up as provincial governors and military views almost certainly carried some weight in fields such as economic planning. The young officers were encouraged to think of themselves as the standard bearers of Atatürkism, and the ultimate guardians of its principles. In this way, Atatürk's political legacy to the Turkish army was that it should not be responsible for the day-to-day conduct of government; nevertheless, the officers saw themselves as continuing the revolutionary vanguard role which they had inherited from the late Ottoman period.

The death of Atatürk opened a new page to the evolution of the military's role. Although İnönü's presidency preserved Atatürk's principle that the army should remain loyal to the political civilian establishment, the radical political education that the military received had a crucial long-term effect.² The military considered themselves and took the responsibilities of being the foremost modernisers and ultimate guardians of the new regime- i.e. the multi-party system. The institutionalisation of the role of the military as a defender of the Republic against its internal and external enemies constituted a political dilemma: how could the military couple their tradition of political neutrality with their identification both with the republican state and with Atatürk's reforms?

As Metin Heper writes in his article " The State, the Military, and Democracy in Turkey " :

"... the military wished to see a political regime in Turkey that was a plural system of government but, at the same time, one in which such Republican norms as secularism, territorial-integrative

²William Hale, Turkish Politics and the Military (London: Routhledge, 1994), pp. 83.

nationalism, and populism would not be overlooked and the necessary measures for further modernising Turkey would be taken. Their support in the late 1940s for the Democrat Party, the opposition party against the RPP, which was in power for more than two decades and within which a dominant faction showed authoritarian tendencies toward the opposition; their opposition to the DP when they in turn resorted to harsh measures against the RPP; and their opposition to the entire party system in 1980, were instances in which they tried in their own way to promote democracy in Turkey. Their dissatisfaction with what to them were anti secularist policies of the Democrats, their opposition to the tolerance toward, if not encouragement of, radical ideologies of the leftist and rightist varieties during the 1960s and 1970s, and the swift action that they took each time, were instances in which they acted as guardians of the Republican norms, again as they interpreted those norms."³

B. MILITARY AND STATE TRADITION IN TURKEY:

The analysis of this master's thesis will focus upon the military interventions of 1960 and 1980 in Turkey. The understanding of a political phenomenon such as a coup d'état necessitates the examination of the institution of the military through a historical perspective for identifying the paths of the evolution of its role within a certain society. So far, I have presented the transformation of the institutionalised role of the Turkish military in three elements. First, the Ottoman army had a complete identification with the state. Second, in the demise of the Ottoman Empire, the army showed themselves as the "

³ Metin Heper, "The State, the Military, and Democracy in Turkey ", The Jerusalem Journal of International Relations , 9:3 (September, 1987), pp. 55.

vanguard of a new enlightenment, based on the adoption of Western techniques and thought patterns."⁴ Third, in the Republican era the military was supposed to be apolitical and limited to the barracks; they could only intervene if the internal security and integration of the Turkish nation was in danger. The political dilemma of the army was the contradiction between the first and the third above mentioned points. The military interventions of 1960 and 1980 will be analysed in the context of this historical and contradictory evolution of the role of the military coupled with the special qualities, qualifications and beliefs of the military. I will try to analyse the trend towards authoritarianism in Turkey within specific time periods and the specific socio-economic and political conditions of the country, while not forgetting the influence of the historical background of the Turkish military.

The state tradition in Turkey has been always characterised by a centre-periphery cleavage and unfolding itself into " **the state vs. political elites** " cleavage since the Ottoman times. According to Metin Heper, the predominance of state over the civil society leads to a consensus legislated by the state elites and not as one evolving spontaneously out of the interaction among the political elites.⁵ Thus, the cleavages tend to be " **cultural** " and not " **functional** "; and cultural cleavages are the more difficult type to resolve. Therefore, the consolidation of democracy was always fragile and the political system constituted a problematic issue.

From the very inception of the Ottoman polity the military had been either the dominant or an integral part of the state elites. Kemal Karpat, while examining the military and its relation to the state

⁴ William Hale, (1994) , pp. 2.

⁵ Metin Heper, The State Tradition in Turkey, (Walkington, England: The Eothen Press, 1985).

and democracy, refers to the military's continuous historical association with, and its self-defined role as the guardian of the State. He points out that the military as a whole is the only major institution in Turkey to be able to claim an uninterrupted historical existence throughout centuries, despite a variety of changes in internal organisation, functional differentiation, professionalization, and specialisation. The reforms of the 19th and 20th centuries strengthened and reassured its easy acceptance of change, innovation and technology; thus, they supposed to be the far more modernised and distinguished segment of the society.

The transition to multi-party politics opened the path for the confrontation between the state and political elites which in turn gave rise to new cleavages and animosities; this was marked by the response of the state elites to the degeneration of the political system with a direct intervention in politics three times. The conflicts engendered by the rise of a pluralistic social, economic and political order and the new set of relations this order necessitated between the military and the civilians unfolded the major issue of who would have priority in the making of key decisions concerning all the state affairs in Turkey. Therefore, the military interventions in Turkey cannot be explained solely by the internal dynamics of the military; it is important to examine also the dynamics of the political system of the country in the relevant periods of time.

The Turkish military have always been an elite group; that is to say, a highly educated and organised social group moving into the higher spectrums of the Turkish history. They have a high-esteem and prestige in the eyes of the people. They are the defenders of the nation from external enemies, full of altruism and ready to sacrifice themselves for the protection of the Republic. They were the modernising force of

the emerging Turkey and the first institution to be elevated to the standards of Western civilisations. Their professionalism was accompanied by feelings of honour as well as discipline and uniformity emerging from the hierarchical basis of the institution. The organisation and coherence of the armed forces, coupled with its historical continuity, was further stressed by the self- image of the military as saviours rather than as the " **corrupted and malfunctioning** " politicians. In order not to loose their prestige in the eyes of the public, which may begin to view them as politicians and not as saviours, the military stayed for a short period of time in the political scene.

In each intervention of the military into politics since 1960, their foremost concern has been that of restructuring the political system so that further interventions would not be necessary in the future. They came as guardians of the Republic and attacked not the political system in itself but the degeneration, polarisation and political unrest created by the bad politicians. Those who carried the subsequent interventions tried to avoid and correct the perceived mistakes of the past. Thus, they came only for a short period of time in order to replace " **a malfunctioning democracy** " .

Having discussed the historical legacies which appear to have influenced and " sculptured " the political role of the Turkish army into the specific state tradition of Turkey, I have tried to present its potential importance in the political scene. By analysing the military interventions of 1960 and 1980 I will try to answer one crucial question: whether the military act as guardians or decision-makers. In trying this, I will present a theoretical basis for military interventions and I will show the exceptionality of the Turkish military in the context of the developing nations.

C. A THEORETICAL BASIS FOR MILITARY INTERVENTIONS:

Military intervention as a political phenomenon has been a matter of concern and study for many political scientists. The wave of military interventions in the 1960s in the developing nations provided political scientists a new area of research concerning the relationship between politics, society and the military. Different scholars working on different regions advanced theses locating the causes for military political intervention variously in the nature of the military and in the nature of society. Major attention was devoted to the role of the military in the politics of those countries and explanations offered as to why that role was so prominent compared to the prevailing pattern in the developed Western societies and in communist societies.

The theoretical basis of this master's thesis will be the works of such influential scholars as S.E.Finer (1962), S.Huntington (1962,1968), M.Janowitz (1971), J.Johnson (1962), E. Nordlinger (1977), G.O'Donnell (1973), and others. Within that broader theoretical context I will combine the works of some well-known students of Turkish politics such as E.Özbudun, M.Heper, A.Evin, F.Tachau, K.Karpat, W.Weiker, D.Lerner and R.Robinson, W.Hale, G.Harris and C.Dodd.

As I have earlier pointed out military intervention is not a political phenomenon related only to the internal dynamics of the institution of the military; it is rather a combination of the role of the military with the functioning of the political system. The Turkish case consists an important area of research both because a military intervention reconfirms the fragility and difficulty of consolidating democracy in a developing nation and because the conditions that

opened the path for the Turkish coup d'état were different from those of other Third World countries.

Why does the military intervene into politics? According to S.E.Finer: " **the armed forces have three massive political advantages over civilian organisations: a marked superiority in organisation, a highly emotionalised symbolic status, and a monopoly of arms.**"⁶ Modern armies are cohesive and hierarchical. The army is a purposive instrument with such features as centralised command, hierarchy, discipline, intercommunication, *esprit de corps* and a corresponding isolation and self-sufficiency. The army also enjoys a politically important moral prestige as they carry traits like courage, discipline, self-sacrifice and patriotism. The military is not only the most highly organised association in the state; they also enjoy a monopoly of all effective weapons. However, the political weaknesses of the military are the main causes for their inability to rule for long periods of time. These are the technical inadequacy of the military and their lack of a moral title to rule.

What are the possible motives inhibiting the military from intervention? For S.Huntington the greater the professionalism, the more immersed does the officer become in his own technical tasks, and the less involved in politics.⁷ However, the level of professionalism is not an adequate factor for explaining the Turkish military interventions. According to E.Özbudun, the Turkish coup of 1960 suggests that even a highly professionalized army may find itself in a situation which makes military intervention almost inescapable.⁸

⁶ S.E.Finer, *The Man on Horseback: The Role of the Military in Politics*, (London, England: Pinter Publishers, 1988).

⁷ S.P.Huntington, *The Soldier and the State: The Theory and Practice of Civil-Military Relations*, (New York: Random House Vnrage Book Edition, 1964).

⁸ E.Özbudun, *The Role of the Military in Recent Turkish Politics* (Harvard University: Centre for International Affairs, Occasional Papers in International Affairs #14, November 1966) pp. 8.

For S.E.Finer, the firm acceptance of civilian supremacy, not just professionalism, is the truly effective check.⁹ This factor again does not constitute a sufficient explanation for the Turkish case. E.Özbudun points out that: "... despite an historical and cultural background which usually encourages military rule, the tradition of a neutral army and civilian supremacy had firmly taken root in Turkey, as evidenced by almost four decades of unbroken civilian rule....Civilian supremacy was clearly established and never challenged. The military played a relatively minor and steadily decreasing role in the determination of public policy."¹⁰

According to S.E.Finer certain situations make the civil power abnormally dependent on the military. The government may rely on the military either on the grounds of external circumstances (foreign policy, threat of war), or on the grounds of domestic circumstances (situation of overt or acute crisis; situations of latent or chronic crisis; and power- vacuum situations).¹¹

Another hypothesis presented by Finer is that the frequency of military interventions is also determined by the nature of political culture. There are four types of political culture. In the " **mature political culture** " legitimacy is paramount and unobtainable by the military. Here, the level of military intervention is influence: that is to say, a constitutional and legitimate, one entirely consistent with the supremacy of the civil power. " **The military authorities act in precisely the same way and with the same authority as any elements in the bureaucracy,**

⁹ S.E.Finer, (1988), pp. 26.

¹⁰ E.Özbudun, (1966), pp. 8.

¹¹ S.E.Finer, (1988), pp. 66.

though their influence may well be weightier and on occasion overriding, in view of the greater risks involved by the rejection of their advice." ¹²

In countries with " **developed political culture** " legitimacy is important and resistive to military. The level of intervention is either influence or blackmail. Blackmail refers to the effort of the military to convince the civilian power by the threat of some sanction. It can range from collusion or competition with the civilian authorities to the intimidation of the civilian authorities or to threats of non-co-operation with or violence towards the civilian authorities.¹³

" **Low political culture** " involves a legitimacy of some importance, but which is fluid. The level of intervention is blackmail, displacement of the civilian government or supplantment of the civilian regime. The methods at these levels are threats of non-co-operation or violence towards the civilian government, failure to defend the civilian authorities against violence, or the exercise of violence against the civilian authorities. S.E.Finer places Turkey in the set of countries with low political culture.¹⁴

In countries with " **minimal political culture** " legitimacy is unimportant. The military intervenes either by displacement of the civilian governments or by supplantment of the civilian regime. In these countries the military is the sole political force; and as such it is entirely at large.¹⁵

Whether military interventions are determined by the nature of the political culture or whether Turkey can be classified in the group of countries with low political culture, Turkey's exceptionality does not

¹² Ibid., pp. 77 and 126.

¹³ Ibid., pp. 126-127.

¹⁴ Ibid., pp. 126-127 and 99.

¹⁵ Ibid., pp. 126, 118.

change. According to E.Özbudun: " ... the First Turkish Republic, having achieved a balance between a relatively high degree of political institutionalisation and a moderate rate of social mobilisation, did not face the well-known problems of many modernising systems. More specifically, Turkish political parties are among the best organised in the underdeveloped world, with highly centralised, disciplined, and cohesive organisations penetrating approximately three-fifths of the Turkish villages... It is clear that the Turkish Army, unlike the armies in many other developing countries, did not move into a power-vacuum which might have been created by the multiplicity, fluidity, and incoherence of political groups." ¹⁶

Another factor determining the level of political institutionalisation is S.Huntington's notion of " adaptability " . Adaptability " is a function of environmental challenge and change. The more challenges which have arisen in its environment and the greater its age, the more adaptable it is."¹⁷ Turkish political parties, RPP and DP, appear to be highly institutionalised.¹⁸ Therefore, the military interventions in Turkey cannot be explained solely from the perspective of political institutionalisation. The exceptionality of Turkey within the set of developing nations emerges once more. Military interventions in Turkey will be analysed as a combination of various factors, shortly presented in the above pages, under the domination of a highly patrimonial state tradition which unfolded itself during the years of the multi-party period as " the state vs. the political elites " .¹⁹

¹⁶ E.Özbudun, (1966), pp. 6.

¹⁷ S.Huntington, " Political Development and Political Decay ", World Politics, vol. XVII (April, 1965), pp. 394-399.

¹⁸ E.Özbudun, (1966) , pp. 6.

¹⁹ M.Heper, (1985).

Some additional remarks for the concepts of military professionalism, national interest and civilian supremacy will be enlightening for the comprehension and analysis of the Turkish military intervention into politics. As I have pointed out earlier, the political weaknesses of the military are their technical inability to administer and their lack of moral title to rule. These two conditions constitute the barriers to military intervention in politics and the military are expected to recognise their lack of competence as well as the lack of moral right to rule. According to Frank Tachau, this assumption may not be fulfilled if the members of the military are not appropriately socialised into their roles as technical experts subject to civilian authority. Such socialisation, in turn, may be lacking if insufficient time has elapsed since the establishment of the state for respect for civilian rulers to be internalised, or for the civilians to prove their competence sufficiently to establish a credible moral title to their own. In other words, new states such as most of those of the Third World, are less likely to have a proper opportunity to develop strong traditions of civilian supremacy over the military.²⁰ The Turkish case of the military had the exceptional feature of a neutral army under the civil supremacy of the Atatürk's Republic. Despite that fact, the military did not hesitate to intervene in 1960. Why?

Tachau argues that it would also be risky to assume that military intervention occurs when the highest interests of the state and society require or justify such action. It is entirely possible that the military, like other corporate elite groups in the civilian sector, may be moved to action by strictly parochial interests.²¹ Although it is difficult to

²⁰ Frank Tachau, "The Turkish Military: Guardians of Democracy?", paper prepared for the XIIIth IPSA Congress, Rio de Janeiro, Brazil, August 9-14, 1982, pp. 2.

²¹ Ibid., pp. 3.

determine whether or not this is the case, for the military tend to publicly justify their action in terms of the national interests of the country, I would try to explain the military interventions of 1960 and 1980 in this perspective, as the nature of their function and training is identified with Atatürk's principles and such goals as the protection of the Republic. As F.Tachau points out : **"... civilian regimes overthrown by such coups almost invariably manifest weaknesses and lack of competence which serve to justify military action against them, particularly if there is no other political alternative."** ²² Does the Turkish experience fit into this line of thinking?

Eric Nordlinger believes that no matter how deeply ingrained the respect for the principle of civil supremacy among the military, it is likely to be overcome if the civilian authorities intervene in the professional concerns of the military and appear to be hampering their ability to fulfil their prime function, which requires them to maintain their autonomy, professionalism and cohesiveness.²³ One of the reasons for the 1960 military intervention could be the harsh measures taken by the Democratic government towards the military which substantially diminished their previous superiority.

Eric Nordlinger, in his book Soldiers in Politics: Military Coups and Government, has suggested a typology encompassing three models or patterns of political involvement of the military:

1. The military act as " moderators " . In this model, the military do not overtly seize the reigns of government, but rather exercise " veto power " from behind the scenes. Only if the civilians fail to comply with

²² Ibid., pp. 3.

²³ E.Nordlinger, Soldiers in Politics: Military Coups and Governments (Englewood Cliffs, N.J.: Prentice-Hall, 1977).

the desires of the military do they execute a " displacement coup " designed to bring a more reliable civilian group to power. The goals of the military in this model are : "... to preserve the status quo, maintaining the balance (or imbalance) of power among the contending groups, enforcing the political and constitutional ground rules, staving off practically any kind of important change in the distribution of economic rewards, and ensuring political order and governmental stability."²⁴ The 1971 military intervention can be classified into this category.

2. The Guardian Regime. Military guardians are essentially similar to moderators except that they feel it necessary to displace the civilian government, that is, to overtly assume the power of government. Their goals are as conservative as those of the moderators. "...Their goals may include the removal of squabbling, corrupt, and excessively partisan politicians, the revamping of the governmental and bureaucratic machinery to make for greater efficiency, and the redistribution of some power and economic rewards among civilian groups...Basically, they intend to correct what are seen to be the malpractices and deficiencies of the previous government. They are " iron surgeons " ready to make some incisions into the body politics, but doing little to replace what has been cut out or even to ensure that the surgical operation has lasting consequences after the praetorians discharge the patient ".²⁵ The 1960 military intervention was a " guardian regime ".

3. The ruler type. Far from wishing to maintain status quo, this type of regime has as its goal not only control but often basic changes in significant aspects of the political, economic and even social system. Repression is generally more extensive. The polity, society, and economy

²⁴ Ibid., pp. 22-23.

²⁵ Ibid., pp. 25.

are to be penetrated from above.²⁶ The Kemalist regime has some important features fitting into this type.

Although virtually all military regimes promise to retire from power once their goals are achieved, the moderators and guardians are more likely to fulfil that promise relatively quickly, in accordance with their more conservative and modest goals. The ruler types, however, are likely to stay in place for a much more extended period of time, perhaps, indefinitely.²⁷

Tachau argues that the propensity for the military to become politically active varies over time. In this sense, the first act of intervention is generally the most significant. It breaks the precedent of non-intervention. The threshold of civilian supremacy and military non-intervention has been either destroyed or at least rendered less effective than it once was.²⁸

Another influential contribution to the subject matter of military interventions have been made by the Argentine political scientist Guillermo O'Donnell in 1973. O'Donnell, motivated by the wave of military interventions in the Southern Cone of Latin America (Argentina, Brazil, Chile, Uruguay), introduced the concept of "**bureaucratic-authoritarianism**".²⁹ He observed that the military interventions of the 1960s in these countries- especially the cases of Brazil in 1964 and Argentina in 1966- were qualitatively different from earlier ones in two aspects. First, they had come to stay for a much longer period of time, or indefinitely. Second, they were to perform much more

²⁶ Ibid., pp. 26-27.

²⁷ Frank Tachau, (1982), pp. 5.

²⁸ Ibid., pp. 5.

²⁹ Guillermo O'Donnell, Modernisation and Bureaucratic-Authoritarianism (Berkeley, University of California: Institute of International Studies, 1973).

profound changes in society, coupled with a higher degree violence than ever. What were the causes of the bureaucratic-authoritarianism?

O'Donnell offered an economic explanation. In the 1930s the populist coalitions of these countries concentrated their economic policies and developmental programmes on " **Import-Substitution based Industrialisation** " (ISI). These coalitions seemed to be successful in Brazil and Argentina as high levels of industrialisation were achieved, with a consequence of high profits for both the industrialists and the urban working class. However, an eventual economic stagnation is inherent in import-substitution industrialisation. After the exhaustion of the easy stage of ISI, a crisis situation was evident in those countries. Rising inflation and balance-of-payment difficulties undermined the economic gains made by the urban middle and working classes and hence eroded the viability of the populist coalitions on which these regimes were based. Attributing the crisis to the threat of political activation within the popular sectors (which continued to press for improvements in their living standards), technocrats in both Argentina and Brazil encouraged and supported military coups. The new regimes, rather than attempting to reincorporate the popular sectors, moved to exclude and deactivate them by instituting a repressive brand of authoritarianism and to reorient the political economy according to technocratic conceptions of economic growth. These conceptions included a deepening of industrialisation through the domestic manufacture of consumer durables and intermediate and capital goods, which required larger, more efficient, and highly capitalised enterprises- often the affiliates of multinational corporations.

To some extent, Turkey shows some resemblance to Latin America. Import-Substitution Industrialisation was a policy activated in

1950s and earlier. This economic policy was not for the internationalisation of the market, but for high protection through such measures as: quotas for imports; state control; and, investment incentives. The concentration on production for the domestic market gave to populists governments the support of the industrialists and the urban poor. The oil shock in 1970s, however, caused a foreign exchange crisis in Turkey. The end of the ISI and the populist coalitions was obvious. The necessary move was a trend towards internationalisation and an export-led market. This move was made by the military government of 12 September 1980. Thus, the military came with rather different economic policies; it intended to stay for a longer period of time (shorter compared to Latin America); it introduced fundamental changes coupled with the use of violence.

Can we attribute the connotation of " **bureaucratic-authoritarianism** " to the Turkish military coup d'état? This will be dealt with extensively in the following pages.

Following almost the same line of thinking, a reference should also be made to the work of Morris Janowitz. In his book The Military in the Political Development of New Nations, Janowitz puts emphasis to the internal organisation of the military of the " new nations " as an important factor for the explanation of civil-military relations. He points out that the capacity of the military to intervene into politics derives from its control of the instruments of violence; its identification with the national interest and public interest; and its skill structure, which combines managerial ability with a heroic posture.³⁰

³⁰ Morris Janowitz, The Military in the Political Development of New Nations: An Essay in Comparative Analysis (Chicago and London: The University of Chicago Press, 1964), pp. 27-28.

The skill structure and career lines of the military put some limitations in their ability to bargain and politically communicate, which are required in order to sustain political leadership. Additionally, the social recruitment and education of the military, based on middle and lower-middle classes of rural areas or hinterlands, and an educational background based on an innovating outlook towards modernisation, contributes to a military profession with no strong allegiance to an integrated upper class which it accepts as its political leader , and it certainly refuses a pervasive conservative outlook.³¹

The military of the new nations have a strong sense of nationalism, a puritanical outlook, an acceptance of extensive government control of social and economic change, and a deep distrust of organised civilian politics. The take-over of power by the military in new nations has generally followed the collapse of efforts to create democratic-type institutions. If the military is to succeed in its political goal, it must develop a political apparatus outside of the military establishment but under its direct domination.³² Is the Turkish case in accordance to these conditions mentioned by Janowitz?

In the following pages, I will concentrate on the analysis of each military intervention in a respective chapter. Chapter One deals with the analysis of the background and the period of the 1960 military intervention. Chapter Two concentrates on the examination of the conditions for the 12 September 1980 military regime and the policies followed by the establishment of the military as a political leader. The concluding chapter of this dissertation is a comparative analysis of the two military regimes.

³¹ Ibid., pp. 28.

³² Ibid., pp. 28-29.

With the help of a historical and theoretical perspective, I will try to answer the question of why military interventions took place in Turkey and to what extent they constitute an abnormality or a rule for the Turkish political system. I will examine the military take-overs from a critical perspective and special references to the origins of the fragility of Turkish democracy, which is too closely bound to the " tradition " of an intra-elite conflict. The internal dynamics of the military, the functioning of the Turkish political system and the specific socio-economic conditions of the country in each specific period of this study are going to be the driving forces to an effort to find an answer to a question full of political concern for each democratic society: " **The military as guardians or decision-makers?** " .

CHAPTER ONE

THE 1960 MILITARY INTERVENTION IN TURKEY

The military intervention of May 27, 1960 is an important point in Turkish political history for two crucial reasons. First, it is an open expression of the fragility of the democratic system in the Turkish Republic and a demonstration of the difficulty of consolidating democracy in a newly modernising nation. Second, it is the transformation of the political dilemma of the military's getting involved in action, because of the clash between the roles of the military as both a neutral army, not committed to daily politics (an Atatürk's legacy of the Republic), and a guardian army of the nation and the integrity and security of the Republic (an Ottoman legacy, with its origins in the identification of the military with the state). Military intervention was probably an inevitable outcome, as democracy had not been strengthened in such a short period of time, and the military had been perceiving itself as the only institution in the society with the ultimate qualification of modernisation and rationality.

A. THE BACKGROUND OF THE MILITARY INTERVENTION

a) Multi-party period (1946-1960):

After the death of M.K.Atatürk, İsmet İnönü became the President of the Republic. Turkey's entry into the Western world following the war was paralleled by new and more liberal political, economic, and social attitudes and policies in the country. İnönü was a partisan of liberal policies vis-à-vis the authoritarian sectors of the party which envisaged a long period of continued single-party tutelage. İnönü

gave encouragement to the growing group of young party leaders who were fully committed to modernisation, skilled in the techniques of democratic, secular politics, and increasingly impatient with the structures of single-party discipline.³³ In 1946, almost as soon as the international situation allowed a return to normal politics, opposition parties were permitted.

According to Kemal Karpaz, there were some conditions for allowing the establishment of opposition parties in 1945-1946. President İnönü had told Celal Bayar, the leader of the proposed new party (Democrat Party), that his group would be free to debate and challenge any of the principles of the ruling party except the Kemalists tenets of republicanism and secularism.³⁴

The opposition to the autocratic rule of the RPP came even within the party itself. Despite the liberal measures taken by the RPP, there were those who believed that further democratisation and liberalisation was essential for the incorporation of Turkey in the Western advanced nations. Thus, four distinguished members of the RPP- Celal Bayar, Fuat Köprülü, Adnan Menderes and Refik Koraltan- left the RPP and formed the *Democrat Party* on January 7, 1946.

The political philosophy of the DP was generally liberal and the basis of its strength was the large portion of the nation either neglected by or dissenting from the policies of the RPP. Hale points out that: "... they were generally liberal in their political inclinations, but in practice drew together the large and diverse range of people who, for one

³³ Walter F. Weiker, *The Turkish Revolution 1960-1961: Aspects of Military Politics* (Westport, Connecticut: Greenwood Press, Publishers, 1963), pp. 6.

³⁴ Kemal Karpaz, "Military Interventions: Army-Civilian Relations in Turkey Before and After 1980", in *The State, Democracy and the Military: Turkey in the 1980s*, Metin Heper and Ahmet Evrim (eds.), (Berlin, New York: Walter de Gruyter, 1988), pp. 137-138.

reason or another, had come to resent the RPP's long monopoly of power- farmers who felt neglected by the regime's concentration on industrialisation, businessmen who hoped to end the dominant role of the state in industry, urban workers and clerks who had suffered severely from wartime inflation, and some religious conservatives who wished to soften the official emphasis on secularism. " ³⁵

While the DP concentrated its programme on such issues as opposition to étatism, restrictions on civil liberties which have been imposed during the single-party period and accented during World War II, and on corruption of the government, the RPP was countered with the accusation that the DP was betraying secularism by permitting " reactionaries " to "...usurp the freedom that was meant only for those honestly differing in the view how to perpetuate the revolution." ³⁶

Turkey experienced its first real election campaign in 1946, and there was great popular enthusiasm and participation. Although the DP had strong popular support, the Democrats lacked time to develop a systematic program of their own beyond simply promising to do better. General elections were supposed to be held in 1947, but the date was brought earlier to July 1946, probably to prevent the DP building up their grass-roots organisation in time.³⁷ The first elections in Turkey using a direct voting, rather than an indirect system, via an electoral college, were accused to be held with fraud in some occasions. The RPP won the elections with 395 seats in the Grand National Assembly compared with only 64 for the Democrats and 6 for independent candidates.³⁸

³⁵ W. Hale, (1994), pp. 89.

³⁶ Walter Weiker, (1963), pp. 8.

³⁷ William Hale, (1994), pp. 90.

³⁸ Stanford J. Shaw and Ezel Kural Shaw, History of the Ottoman Empire and Modern Turkey (London, New York, Melbourne: Cambridge University Press, 1977), pp. 403.

In the summer and fall of 1946, it became obvious that within the ranks of the DP there was considerable difference of opinion regarding how to proceed. After a period of ideological ferment and argument (called the " spirit of 1946 "), the party leaders ousted a group of Islamist-populist militants who were advocating open warfare against the military-civilian bureaucratic coalition and against the secularist-elitist ideology. The ousted members accused Bayar and Menderes of being basically the same in spirit and mentality as the group they appeared to be fighting against.³⁹

The elections of 1950 offered an astonishing victory for the Democrats and put an end to the 25 years of rule of the RPP. After the DP came to power, a constantly growing polarisation between the two parties emerged. The animosity between the government and the opposition was around the issues of secularism and the maintenance of political freedoms.

The government of Prime Minister Adnan Menderes promised rapid economic growth. This was achieved by relaxation of the tight controls of the etatist policies and by encouragement of private enterprises. In the short run the results were successful. Economy was growing rapidly with an increase in bank credits, investment in all sectors of the economy, production both in the agricultural and industrial sector, and an incredible improvement in infrastructure. The rate of population growth was doubled ; there was an increase in the gross national product and the per capita income. However, the impressive statistics were just one side of the coin.

³⁹ Kemal Karpat, (1988), pp. 138.

The tremendous economic expansion was accompanied by such factors that played a fundamental role in the future undermining of the regime. The government budget fell into debt and the balance of foreign trade turned to deficit. The public debt tripled while the increasing per capita income affected only some segments of the population. Rising inflation, increasing exports coupled with increasing imports were some of the side effects of an expanding economy which were not prevented by the government of the DP; thus, the long-term prospects of a bright economic expansion had not been secured and the growing economic discontent was to be met with political repression. This was going to be the beginning of the end as the government was violating one of the basic tenets of its political success. The paradox was that, while before coming to power they were accusing the autocratic character of the RPP rule, once in power they followed almost the same line of governing.

The second major problematic area was that of religion, where the government was accused of trying to reverse the Kemalist secular policies. In 1949, the RPP, as part of its liberalisation efforts, had allowed religious instruction to be provided to those students in the public schools whose parents requested it. As the Democrats had been elected from a conservative platform by giving promises of increased religious instruction, the Menderes regime soon extended it to all schools and required all Muslim children to receive it unless their parents specifically requested exemption. The government expanded the number of institutions for training *imams*; in 1950 they abolished the 1928 law prohibiting the use of the Arabic call to prayer; Ramazan began to be celebrated more publicly; religious publications reappeared; the remnants of various mystic sects began to show their heads, although the activities

of the more troublesome sects like the Nurs were severely dealt with in 1950-1960; large amount of the government funds were used for building new mosques in cities, towns and villages.⁴⁰

According to Walter Weiker, "...there will be arguments in Turkey for many years about whether the Democratic party period was one of the betrayal of secularism, the exploitation of religion, the restoration of freedom of worship, or the beginning of a new period of " modernised Islam ". The pertinent fact is that the Democrats and the RPP made the interpretation of secularism an ever-growing issue. It dovetailed with other issues and served to add fuel to a fire which will continue to smolder."⁴¹

The third major problem, which had a catalytic effect in the fall of the Menderes regime, was the issue of political freedom. Actually, both of the two parties did not know how to respond to opposition. After the election victory of the DP in 1950, the government became extremely sensitive to criticisms coming from the opposition, especially on the issues of its economic and religious policies. The universities were a major problematic area for the DP. The University Law of 1946 - low salaries for junior faculty members, pensions poorer compared to salaries, few opportunities for promotion- led the unhappy and poorly paid academicians to go beyond their right to participate as citizens and to become highly politicised within their classrooms; particularly, the faculties of law and political science became the centres of opposition politics.⁴²

⁴⁰ Walter Weiker, (1963), pp. 8, and S.J.Shaw and E.K.Shaw,(1977), pp. 409.

⁴¹ Walter Weiker, (1963), pp. 9.

⁴² Shaw and Shaw, (1977), pp. 410.

The DP government was aware of the effectiveness of the criticisms coming from the intellectuals and their ability to have access to mass media and influence public opinion, especially in such a critical period of time of preparation for the 1954 elections. Therefore, from 1953 on, a series of repressive laws was placed against not only the universities, but also the press, the RPP, and the other opposition parties. None of these laws were overtly against freedom for these sources of criticism. Most of them were framed in a way that could be rationalised within the framework of the Atatürk revolution.⁴³

In 1953 the Nation Party was banned on the grounds that it was using religion to subvert the Republic. Charges were brought against the leaders of many branches who were accused as reactionary elements hostile to the reforms of Atatürk. The properties of the RPP were confiscated and the party newspaper, *Ulus*, was forced to suspend publication. The University Law was amended to further restricting the universities' control of their own budgets and, thereby, of their educational and personnel policies.⁴⁴

After the victory in the elections of 1954, the DP government went further in its repression policies. In 1954, all government officials and employees, including university professors and judges, were made subject to retirement after 25 years of government service or became 60 years of age. The same government employees also now could be dismissed or retired by the authorities who employed them, without statement of reason or appeal, and on pensions ranging from one-half to one-fourth of their salaries according to length of service. In addition, university teachers were ordered to limit their activities " to scientific,

⁴³ Walter Weiker, (1963), pp.10.

⁴⁴ Shaw and Shaw, (1977), pp. 410.

educational writing " and to avoid using their positions for " active partisan politics ."45

From 1954 to 1957 the Democrat government continued its efforts for suppression of the opposition in whatever form possible. In 1954 four judges and seventeen professors were retired; while three newspapermen had been jailed and four others dismissed for similar reasons. In 1955 the RPP general secretary, Kasım Gülek, was jailed for insulting the government in a political speech. Five newspapers were suspended, including *Ulus* once again, for violating censorship regulation about the Cyprus issue. Universities became active centres of opposition politics, and the government replied with suspensions, restrictions, and imprisonments. The year 1956 was the same. A press law passed again and newsmen jailed for " **damaging public confidence in or the prestige of the government** " . Political meetings were prohibited except during a forty-five day period before the general election. The same prohibition was applied to any type of electioneering, and the police were given authority to fire on crowds at " unlawful political gatherings " .46

An important element for the victory of the DP in the elections of 1957 was a law previously passed. The government used the increased multiplicity of opposition parties (Peasant`s Party-1953, Freedom Party-1955) for its own advantage by passing a new Election Law that prohibited party coalitions; thus, preventing a united front against it.⁴⁷ The fact that the party, winning a plurality of votes in each district, was able to get all of the deputies, even when it did not secure a majority, was an additional factor for the electoral victory of the DP. The

⁴⁵ Ibid., pp. 411.

⁴⁶ Walter Weiker, (1963), pp. 11.

⁴⁷ Ibid., pp. 11; Shaw and Shaw,(1977), pp. 412.

victorious results of the 1957 elections for the DP showed clearly that while the intellectuals and civil servants with relatively fixed incomes were antagonised by the inflation and shortages, thus opposing the DP; the masses were enjoying much higher standards of living than before, and they appreciated it.

The election results only contributed to further political turmoil between the government and the opposition. In 1957 the Democrats introduced restrictions on the Assembly itself, **"... limiting the number and scope of questions deputies could ask of ministers, tightening the regulations for parliamentary immunity, and forbidding the press from reporting on subjects of an offensive nature even if these were debated publicly in the Assembly."**⁴⁸

In May 1959 İnönü was attacked by a pro-Democratic mob while travelling in the countryside and again on his return to Istanbul. The economic situation was also worsened by the government's insistence on continued industrialisation and rapid capital improvement which added to inflation and brought the nation to the brink of international bankruptcy.

In 1960 in return for loans from an international consortium, the government was forced to accept an economic-stabilisation program to reduce inflation and restore monetary order. With the help of the IMF a new program was worked out. It involved severe restrictions on deficit financing and credit expansion, devaluation of the Turkish lira, consolidation of the public debt, an end to price controls, and a more rational program of the internal investment.⁴⁹ Inflation was reduced, the

⁴⁸ Ibid., pp. 11.

⁴⁹ Shaw and Shaw, (1977), pp 412-413.

budget and foreign trade again were in surplus, and the crisis seemed to be over.

b) The End of the Menderes Regime and the Army:

The period until the May 27, 1960 military intervention was full of political violence, an increased criticism of the government coming from the opposition and a dangerously growing animosity between them. All political activity was prohibited and an Investigation Committee in the TGNA, composed of the most partisan Democratic representatives, was appointed. The Committee was given the right to imprison any citizens, close any newspapers, or suspend any law that interfered with its work.

These measures of the government opened the path for an open revolt. Violent demonstrations in the cities and the universities were a daily event; but, the government was able to keep order both because it controlled the police and the army and retained majority support outside Istanbul and Ankara. The universities were closed on April 29, 1960; most newspapers were suspended; and, foreign periodicals reporting on the situation were refused entry into the country.⁵⁰

The declaration of Martial Law on April 29 in Istanbul and Ankara was the starting point for the scepticism of the military for the overall picture of the country. The May 21 incident of the protest march of 1,000 officers and cadets from the Ankara Military College to the Presidential mansion in Çankaya was an open refusal of the arbitrary arrest of several officers.

The application for leave of Cemal Gürsel- the Commander of the Land Forces -, pending his retirement under the age limit of 65,

⁵⁰ Ibid., pp. 413.

was initially refused and then accepted on May 3. Gürsel left with a farewell message to all units in the army, urging them not to allow the forces to be used to further the ambitions of politicians. He also wrote another letter to Ethem Menderes, the Defence Minister, suggesting that both Adnan Menderes and Celal Bayar should resign and the Investigation Committee be wound up.⁵¹

Before examining the military regime of 1960-1961, it should be useful to look at the relationship of the DP and the army. The DP's actions vis-à-vis the military during its ten years of power are not sufficient in themselves to have provoked the 1960 intervention. After Turkey entered the NATO alliance in 1952, the DP tried to respond to the military's important basic demands by rejuvenating the upper echelons of the army and modernising its weapons and training systems.

There was a close connection of the army with the single-party regime and the RPP, and thus an antipathy to the Democrats. The DP had attacked the RPP which was represented by the bureaucracy and the military since Atatürk. Thus, the army was put away of its central role in the Turkish political culture, while emphasis was put on the individual citizen- businessmen, independent professionals and the better-off peasants. This conception of losing status and pride was further reinforced by the high cost of living and high levels of inflation which could not be afforded by their salaries.⁵²

The stimulus for the 1960 military intervention was rather the malfunctioning of the party politics. According to K.Karpat , "**... in the first place, it did not appear that the DP's relations with the military were so antagonistic as to engender support for a take-over. A variety of small,**

⁵¹ William Hale, (1994), pp. 107.

⁵² Ibid., pp. 94-99.

so-called secret, associations had existed within the military since 1954, but these were basically social organisations that were promoted as *revolutionary societies* after 1950, when anti-DP activities acquired an aura of heroism and patriotism. Furthermore, in view of the army's old tradition of political neutrality, which had been reinforced by Atatürk's firm opposition to military involvement in politics, it seemed unlikely that the army would choose to intervene".⁵³

On May 27, as the agitation in the streets reached a new peak, a group of officers led by Gürsel, commanding the key military units in Istanbul and Ankara and using the students of the war academies, arrested Menderes, Bayar, and most other members of the cabinet along with many Democratic deputies. The remaining elements of the armed forces immediately declared their support. Martial law was imposed and the coup accepted throughout the country with very little opposition, even by those who continued to support the Menderes regime.

The 27 May revolution raised certain questions about the political legitimacy of the action of the military; the timing of the intervention; and the involvement of the RPP in the preparation of the coup.

The proclamations of the military after the coup claimed that they had intervened "owing to the crisis into which our democracy has fallen, and owing to the recent sad incidents and in order to prevent fratricide".⁵⁴ Some claimed against the military's proclamation that there was no civil war to be prevented, that the Menderes government was a legitimate one as it had won the elections of 1957, and that it had not

⁵³ Kemal Karpat, (1988), pp. 141.

⁵⁴ W. Hale, (1994), pp. 110.

broken the constitution. On the other hand, if the military had not intervened, the situation might have turned into a civil war. The military could have waited until the government had run a totally unfair election- much as the Philippine army did in 1986 when it toppled President Marcos. As the military had legitimised its action with the claim that the Menderes government had lost legitimacy, it could not stay for a long period of time in the political scene.⁵⁵

The second question relates to the fact whether A.Menderes expected the coup, and , if so, why he failed to do anything to prevent it. Evidence shows that the answer to the first question was a " yes ". Certainly, the Minister of Defence was aware of the anxiety within the army. Evidence also shows that the Prime Minister had taken the promise of the Chief of the General Staff- General Erdelhun- that the army would stay loyal to the government. Also, it is said that Menderes was prevented to resign before the coup by Celal Bayar.⁵⁶

The third question is whether the RPP had any relationship with the army in the preparation of the coup. It is for sure that the supporters of the Democrat Party strongly believed that there was an involvement of İsmet İnönü in order to destroy the DP. However, evidence from the biographies of İnönü show that he did not know anything prior to the coup. William Hale believes that even if İnönü had gained prior knowledge of the coup, it seems most unlikely that he would have warned Menderes in advance.⁵⁷

⁵⁵ Ibid., pp. 110-111.

⁵⁶ Ibid., pp.111.

⁵⁷ Ibid., pp. 112.

B. THE NATIONAL UNITY COMMITTEE PERIOD (1960-1961)

General Gürsel and 38 officers representing all branches of the armed forces organised themselves into the National Unity Committee (NUC), to govern the country, assuming legal powers under a provisional law (June 12, 1960) that it promulgated soon afterward, though executive power remained in the hands of a civilian Council of Ministers, which it appointed and controlled.⁵⁸

The regime established by the junta which carried out the 1960 military intervention may be characterised as a guardian type in Nordlinger`s terms, i.e., a regime which took control of the government for the purpose of preserving (or re-establishing) status quo. It may also be referred to as a " reformist " coup. In the words of E.Özbudun: "... as is typical of reform coups, the revolutionary officers were " highly nationalistic, progressive, authoritarian, and developmental-minded." Although they did not " instigate a convulsive revolutionary process ", they did make some reforms in the political, economic, and social structure. The accomplishments of the NUC were certainly not confined to " cleaning up the government " and " cleaning up the streets ".⁵⁹

The NUC claimed that it had no intention of ruling beyond the time needed to try and punish those responsible for betraying Turkish democracy and to draw up a new constitution better able to protect the nation from abuses in the future. However, by the fall of 1960, several factions were formed within the NUC. The moderate group believed that power should be returned to civilians as soon as possible, so that social reforms were put into action. Some members of this group were believed

⁵⁸ Shaw and Shaw, (1977), pp. 414.

⁵⁹ E.Özbudun, (1966), pp. 23, quoting Huntington, (1962), pp.32-34.

to be in contact with the RPP.⁶⁰ The radical wing of the NUC was holding strongly authoritarian and ultra-nationalist views. This minority group thought that the junta should stay in power long enough to bring about structural changes in the economy and politics. The majority, however, disagreed, and the 14 member officers were ousted and sent out of the country, mostly as military attachés to Turkish embassies around the world. Was that expulsion of the fourteen a first step for a smooth transition back to civilian government? Or was a necessary action for preventing a dangerous split within the military?

The NUC remained in power for little more than a year. It concentrated mainly on its objectives of trying the Democratic leaders and writing a new constitution, but it also inaugurated major policy changes in the areas of economics and finance in order to set the subsequent regime on a new course. First it acted to stem inflation. Most of the large infrastructure projects were stopped. Banks were temporarily closed, loans were suspended, and personal accounts of leading politicians and businessmen were frozen. Partial banking activity was allowed only after the interest rate on borrowing was raised to 12 percent to reduce the expansion of credit. The purchase of government bonds was made compulsory to wage earners to soak up demand. Price controls were introduced, causing food prices in particular to drop, causing pleasure to the townspeople and despair to the farmers. Land taxes were increased tenfold, building taxes two to six times. Income tax was doubled, while all those subject to it were required to declare their total assets, causing many to fear a new capital tax.⁶¹

⁶⁰ Ibid., pp. 33.

⁶¹ Shaw and Shaw, (1977) pp. 415.

The establishment of the State Planning Organisation was one of the most important reforms introduced by the NUC. This institution was incorporated into the 1961 Constitution. The organisation had a mixed character of being political and highly technocratic at the same time. As E. Özbudun writes: "... while the planners were given a relatively free hand within broadly defined economic goals during the NUC rule, they began to have an increasingly difficult time under the civilian governments. It may be assumed that many civilian politicians resented what they considered to be an encroachment upon their authority by a group of technocrats. Under these pressures and strains almost all top planning officials had to resign after 1961 and were replaced by seemingly more pliable and more conservative bureaucrats." ⁶²

Although the NUC was successful in bringing some important economic reforms, their concentration was on more technical issues, like the trials of the Democrats, the writing of a new constitution and an election law. There was less importance put on such goals as education, industrial and agricultural modernisation and expansion, and land reform. As Weiker argues: "... A large part of the cause of the NUC's failure to achieve more in relation to these problems lay in its failure to exploit its political position; in acting more like orthodox politicians than like non-political, problem-solving soldiers, the NUC may have missed what was a unique opportunity for Turkey to return to the road of rapid development..." ⁶³

⁶² E.Özbudun, (1966), pp. 23.

⁶³ W.Weiker, (1963), pp. 152-153.

C. THE 1961 CONSTITUTION

The 1960 military intervention can be referred to as the intersection of the political, economic and social crisis of the 1950-1960 period. The malfunctioning of the political system of this specific period was due to the lack of a tradition of compromise and respect for the opposition (whichever form that opposition takes), as well as to the tendency of the Turkish political system towards the construction and preservation of a strong state. Therefore, the 1960 military intervention presents the " melting pot " of two kinds of reactions. First, it is the product of the reaction of the bureaucratic-intelligentsia elites (the traditional " state elites " since the Ottoman Empire) to the rise of the " political elites ", represented by the Democrat Party. Second, the military coup refers to the fear of the erosion of the statist-elitist values and to the reaction of the military and the bureaucracy to the rise of the bourgeoisie and landowner, who were embraced within the political monopoly and injustice of the Democrat Party.

The formulation of a new constitution was one of the central aims of the military. The committee of the university professors, which was set up by the National Unity Committee, believed that what was necessitated was **"...the preparation of a constitution that will ensure the materialisation of a state of law, set up State organs, and ensure that State social institutions are placed on a democratic basis and on principles of right and justice, to replace the [existing] Constitution of the State which has been neglected and rendered inoperative..."**.⁶⁴ Actually, this constitution was going to be, once more, the declaration of the

⁶⁴Metin Heper, (1985), pp. 86-87.

importance of the intellectual wave of the fifties and sixties, and the effort of this group to guarantee the protection of some statist-elitist values within the context of the integration of Turkey in the international capitalist system.

For A.Şeref Gözübüyük, accepting the constitutions as either the solution to all problems or the source of the problems is a wrong interpretation.⁶⁵ However, the general tendency in Turkey has been the interpretation of the weakening of the political system and the series of social and economic crisis as a legal problem.⁶⁶ Thus, each military intervention was followed by a new , long and detailed constitution.

The group of professors appointed by the NUC for the preparation of the new constitution was replaced, as it was thought that **"...such a group would not be sufficiently representative of public opinion..."**.⁶⁷ On January 6, 1961 the NUC charged the Constituent Assembly for preparing the new Constitution. The Assembly was composed of two chambers: the National Unity Committee and the House of Representatives. The latter consisted of members either elected by the people through indirect elections, or by ones chosen by the Head of State, the NUC, the existing political parties (the Republican People's Party and the Republican Peasant's Nation Party), the bar associations, labour unions, the judiciary, universities, farmers' associations, the press, chambers of commerce and industry, etc.⁶⁸

For Bülent Tanör, the Constituent Assembly had two important features. First, the NUC had to share its power in the

⁶⁵A.Şeref Gözübüyük, Açıklamalı Türk Anayasaları (Ankara: Turhan Kitabevi Yayınları, 1993), pp. IV

⁶⁶Ergun Özbudun, Türk Anayasa Hukuku (Ankara: Yetkin Yayınları, 1993), pp. 25.

⁶⁷Ergun Özbudun, " Constitutional Law", in Introduction to Turkish Law , Tuğrul Ansay and Don Wallace Jr., (eds.), (Deventer, Netherlands : Kluwer Law and Taxation Publishers, 1987), pp. 28.

⁶⁸ Ibid., pp. 28 ; William Hale, (1994), pp. 136-137.

" foundation " of the new constitution with the partially elected House of Representatives. Second, the House of Representatives was more competent in the final formulation of the draft Constitution.⁶⁹

Having in mind the social composition of the Constituent Assembly, its establishment marked an important shift of power back to civilian hands. However, although only a minority of the members were chosen by the military, its ultimate weakness was the exclusion of the DP and the almost monopoly of RPP sympathisers. Actually, this monopoly strengthened the general expectation that **"... a return to civilian rule would mean a return to RPP government..."**.⁷⁰

The main debate in the Assembly was between the liberals-representing the propertied class- and the social-reform-oriented groups-representing the intellectual elitists. The new constitution was a " reform-oriented " ⁷¹ constitution and a compromise between these two groups, which underlined an effort for preventing the re-emergence of an authoritarian partisan regime based on massive parliamentary majorities. On May 27, 1961 the Constitutional Committee's draft was accepted by the Constituent Assembly, with only minor amendments, and came into force after being ratified by a popular vote on July 9, 1961.⁷²

According to Kemal Karpat : **"...[the 1961 Constitution] it promised a wide range of economic and social programs, which could be carried out only by a strongly socialist state, and at the same time, espoused free enterprise and extensive political freedom, which called for**

⁶⁹Bülent Tanör, *İki Anayasa 1961-1982* (İstanbul: Beta Basın Yayım Dağıtım A.Ş , 1994), pp. 16.

⁷⁰William Hale, (1994), pp. 137.

⁷¹Bülent Tanör, (1994), pp. 17.

⁷²William Hale, (1994), pp. 138. The process of evolution of the Constitution involved four different printed versions : 1) the Onar Commission; 2) the Ankara Proposal; 3) the Karal Committee; 4) Constitution of the Turkish Republic, translated for the NUC by S.Balkan, A.E.Uysal and K.H.Karpat, Ankara, 1961. See Walter Weiker, (1963), pp. 65-72.

less governmental intervention in the affairs of the society. The two sides agreed on a weak executive, not only because it would prevent the emergence of a "strongman", but also because each group felt that it would be more able to promote its own views and enhance its position without interference from above...".⁷³

The 1961 Constitution was quite different in nature from that of 1924. It accepted pluralism and provided the mechanisms for achieving it, while at the same time it introduced a system of division of powers and checks and balances to prevent autocracy. Thus, the new constitution was actually the outcome of the transformation of the "majoritarian concept of democracy to the pluralistic one".⁷⁴

According to Metin Heper, the 1961 Constitution seems to have been "...a last-ditch effort on the part of the bureaucratic intelligentsia to set the substantive, as well as the procedural, rules of the political game in Turkey...".⁷⁵ While the 1924 Constitution stated that the nation would exercise its sovereignty through the TGNA (art. 4), the same article in the 1961 Constitution stipulated that " the nation shall exercise its sovereignty through the authorised agencies as prescribed by the principles laid down in the Constitution ". This was actually the first step for the announcement of the Supremacy of the Constitution, one of the most important novelties introduced by the 1961 Constitution. The distrust of the makers of the 1961 Constitution for the political elites, a system based solely on political parties and political participation, and above all, the memories of the general vote in the period 1950-1960 were the main reasons for the 1961 Constitution- "...not

⁷³Kemal Karpaz, (1988), pp. 143.

⁷⁴Ergun Özbudun, (1987), pp. 28.

⁷⁵Metin Heper, (1985), pp. 89.

unlike the " republican synthesis " of the French Third Republic, or the " constitutional dualism " of the Bismarckian Reich, this Montesquieuist " mixed constitution" legitimised the de facto political influence of the bureaucratic intelligentsia...".⁷⁶

The supremacy of the Constitution was further stipulated in article 8 where : " Laws shall not be in conflict with the Constitution. The provisions of the Constitution are fundamental legal rules binding upon legislative, executive and judicial organs, and administrative authorities and other agencies and individuals ". The realisation and preservation of this Constitutional supremacy was taken from a theoretical level to a practical and legal one by the creation of the Constitutional Court, which had the power to review the constitutional validity of statutes.⁷⁷

Bülent Tanör identified the main factors for the transformation from the Supremacy of the Parliament (1924 Constitution) to the supremacy of the Constitution (1961 Constitution). The 1924 Constitution was formulated in a period where the central aim was the nation-building, the sculpture of a new society, modernisation, and radical reforms. Thus, the elevation of the nation to the standards of the Western modern civilisation was more important than the supremacy of law or Constitution. On the other hand, the real problematique for the 1960s was the building and preservation of political democracy. The supremacy of the Constitution was an indispensable element of this project, having in mind the political crisis lived in the absence of this supremacy.⁷⁸

⁷⁶Ibid., pp. 88.

⁷⁷Ergun Özbudun, (1993), pp. 17-18.

⁷⁸Bülent Tanör, (1994), pp. 21.

Second, the 1924 Constitution was formulated in a period where the political power had an authoritarian and non-competitive character. On the other hand, the makers of the 1961 Constitution knew that they had come for a short period and that the return to the civilian rule would also make probable the return to the old political hands. Therefore, the supremacy of the Constitution was a guarantor for both acting under a legal umbrella and preserving the role of a watchdog after the return to civilian politics.⁷⁹

The second important novelty introduced by the 1961 Constitution was a "soft" division of powers and a system of checks and balances. This novelty introduced a fundamentally different concept from that of a "...legislature solely representing the will of the nation, defined as absolute, indivisible, and infallible...".⁸⁰ The TGNA had no more the concentration of the executive and legislative powers in its hands- as in the 1924 Constitution; now, there was a "soft" division between them which was balanced by another novelty- the independence of the judiciary. Under the new Constitution, the sovereignty of the nation was shared between the TGNA and the authorised agencies of the state. Acts of parliament could also be referred for judicial review by a Constitutional Court of impartial judges.

The 1961 Constitution provided for a division of powers even within the body of the Turkish legislature. The Turkish Grand National Assembly took the form of a bicameral legislature, consisted of two chambers: the lower house and the Senate of the Republic. The 450 members of the lower house were to be directly elected. The Senate consisted of 188 members, of whom 150 were to be elected, and fifteen

⁷⁹Ibid., pp. 21.

⁸⁰Ergun Özbudun, (1987), pp. 29.

chosen by the President. The twenty-three members of the NUC were appointed senators for life. According to W.Hale, "...the last provision was hardly democratic, but it solved the problem of what was to become of the NUC's members, granted that they could not easily be slotted back into their military careers...".⁸¹

The new " spirit " of the 1961 Constitution involved not only the separation of powers and a system of checks and balances. Actually, the " new spirit " was a harmonious choreography between the notion of limited government, the independence of the judiciary and the rule of law. Article 2 of the Constitution describes the Turkish Republic as a State of Law- ...a State that respects human rights and establishes a just order of law whereby these rights are protected and maintained. All actions and functions of such a State must be in conformity with law and the Constitution. In a State bound by the principle of rule of law, the law absolutely prevails over all institutions of the State, including the Legislature...".⁸² The principle of the rule of law requires the existence of a democratic political system and gives birth to the concepts of human rights, equality, judicial review of legislative and administrative acts and the independence of the judiciary.

Another important point to be looked at is the 6th Article of the Constitution which stipulates that " the Executive function shall be carried outwithin the framework of law ". A comparative analysis of articles 5, 6, and 7 offers the clues for understanding that the makers of the constitution aimed at providing for an effective limitation of a

⁸¹William Hale, (1994), pp. 138.

⁸²Rona Aybay, " The Constitutional and Judicial Review in Turkey ", in Armağan : Kanun-U Esası'nin 100. Yılı , (Ankara: A.Ü Siyasal Bilgiler Fakültesi Yayınları No: 423, 1978), pp. 338-339; 1 Anayasa Mahk. Kar. Der. 343 (348).

possible arbitrary rule by the administration.⁸³ Therefore, the Constitution regards the Executive as a function (art. 6), while the Legislative and Judicial branches are referred to as powers (art. 5 and 7). Also, the Executive branch and the institutions of public administration have to act in accordance with the statutes enacted by the Legislature. In addition to this, the Supreme Administrative Court (Danıştay) controls the validity of administrative acts and actions without any exception.

The indivisibility of administration and centralism is stipulated in Art. 112/2 : "...**In terms of organisation and functions, the Administration is a whole..**". However, Art. 116 recognises the principle of decentralisation and provides for a harmony and cooperation between various parts of the Administration. The local administrative units are public corporate bodies whose organs are elected by universal suffrage; and, are secured by the judiciary. Therefore, the division of powers and functions was not only a principle for the horizontal axis of the administration, but also for the vertical axis between the centre and the periphery.⁸⁴

Under the 1961 Constitution, universities and the Turkish Radio and Television (TRT) were given autonomous status (art. 120 and 121). The constitutional declaration of the universities and TRT as public corporate bodies enjoying academic and administrative autonomy was inspired from ~~the~~ notion of pluralistic democracy, which took the place of the majoritarian concept of democracy of the 1924 Constitution. The scientific function of free research and teaching of the universities and the function of the radio and television for the formation of an

⁸³ Ibid., pp. 339.

⁸⁴Ergun Özbudun, (1993), pp. 20.

independent and true public opinion could only be crystallised under a democratic rule beyond the reach and control of the government.⁸⁵

Thus, the makers of the 1961 Constitution aimed at the establishment of a system in which the prevention of a monopoly of political power - such as in the pre-1960 period- would be guaranteed by the supremacy of the Constitution, the division of powers and the limitation of political power through certain autonomous, independent, and non-political institutions: the Constitutional Court, the Supreme Council of Judges, the Supreme Election Board and the Universities.⁸⁶

The implementation, vitalisation and preservation of a liberal and pluralistic democracy was not only a matter of constitutional limitations imposed on the executive and the legislature. Moving beyond the division of state-powers and the system of checks and balances, the makers of the 1961 Constitution aimed at the construction of a pluralistic system through the active political participation of different social groups.⁸⁷ Therefore, there were certain provisions that provided for the development of a pluralistic society which would, in turn, be the basis for the consolidation of a pluralistic democratic system.

Political parties, being the mediators between society and state and having an important role in the decision-making process, were given a legal status and guarantees - for the first time - in the new Constitution. Article 56/3 stipulates that **"...being in government or in opposition, political parties are indispensable elements of the democratic political life..."**. The right for unionisation, collective bargaining and strike (art. 46 and 47) , the right for forming associations and societies

⁸⁵Ibid., pp. 19.

⁸⁶Rona Aybay, (1978), pp. 338; Bülent Tanör, (1994), pp. 24.

⁸⁷Ergun Özbudun, (1993), pp. 40.

without prior permission (art. 29) were actually some of the legal guarantees of the new constitution for opening the path to the formation of a pluralistic society.⁸⁸

In harmony with the spirit of the new constitution, there was a special emphasis put upon the subject of rights and liberties. The Turkish Constitution of 1961 recognised not only the classical liberties of personal freedom, the inviolability of domicile, privacy, freedom of communication, freedom to travel and reside where one likes, etc., but also freedom of religious faith and worship and freedom from abuse of one's religion by others were guaranteed.

Although the 1924 Constitution accepted most of the classical liberties, the Legislature had the exclusive right to define their limits. Since there were hardly any constitutional limitations to the supremacy of the legislature, civil liberties could easily be manipulated or rendered meaningless.⁸⁹ The 1961 Constitution guaranteed Turkish citizens a wide variety of rights and freedoms, which were stipulated in a detailed manner. In contrast to the 1924 Constitution, there was the addition of the " social rights " in the new Bill of Rights; some actions and freedoms (political parties) were guaranteed; and , there was reference to the essence and definition of each right and freedom in the concerning articles.

Bülent Tanör argues that there were four important principles introduced in the area of the formulation and guarantee of civil rights and liberties.⁹⁰ First, any limitation imposed should have a constitutional basis. Thus, the provisions of the new constitution

⁸⁸Ibid., pp. 21.

⁸⁹Ergun Özbudun, (1987), pp. 29.

⁹⁰Bülent Tanör, (1994), pp. 26.

effectively limited the scope of legislative action with respect to civil liberties. Second, any limitation imposed should be in harmony with the statutes and the spirit of the constitution. Third, any limitation should be by law, and not by administrative action. Fourth, the law could not infringe upon the essence of any right or liberty (art. 11). This was rather reinforced by the Constitutional Court which prohibited any infringement that would make the exercise of a right or liberty impossible or particularly difficult.⁹¹

The notion of " Social State " was a novelty of the 1961 Constitution. Art. 2 of the Constitution states that "...**The Turkish Republic is a national, democratic, secular and social State under the rule of law, based on human rights and the fundamental principles set forth in the Preamble**". Through a planned economy, the concept of " Social State " puts the State under the obligation of meeting the needs of its citizens , and envisages a minimum standard of welfare for the individual. Minimum wages, the regulation of the conditions of work, the right to establish trade unions, the right to bargain collectively and the right to rest were some of the devices by which the Constitution intended to provide the poorer classes with the means by which they can strive for a higher standard of living in an organised and democratic manner. ⁹²

However, could a country fighting for economic development and accumulation of capital provide such extensive social and economic rights without sacrificing the principle of social justice ? Art. 53 stipulated that : "...**the State shall carry out its obligations to attain the social and economic goals set forth in this section only insofar as shall be permitted by its economic development**". Would this article

⁹¹Ergun Özbudun, (1987), pp. 30.

⁹² Rona Aybay, (1978), pp. 336.

be taken as a basis for abandoning the responsibilities of the state in the field of social and economic rights ? Actually, I would argue that the makers of the 1961 Constitution aimed at a harmonious cooperation between rapid economic development and social justice. Therefore, the introduction of the institution of State Planning Organisation was the recognition of the need for a planned economy, where both the state and society would attain their aims in a smooth way. The State Planning Organisation was entitled to develop plans for economic, social and cultural development, though its structure and the implementation of its plans were left to special regulation by law. In addition, all natural wealth and resources were under state control, and private exploitation could be carried out only with state permission and supervision.

If the 1961 Constitution was going to be the first step for the return to civilian politics, what were going to be the future relations between the civilians and the army ? The new Constitution reinstated the position of 1944-9 , in that the Chief of the General Staff was again made directly responsible to the Prime Minister rather than the Minister of Defence.⁹³ The establishment of the National Security Council by the constitution was an exit guarantee for the National Unity Committee. According to Art. 111 of the 1961 Constitution the NSC consisted of the President, the main cabinet Ministers, the Chief of the General Staff and the serving force commanders and would provide to the government advice on defence and security questions.⁹⁴

Although the 1961 Constitution was accepted by the Constituent Assembly and ratified by a popular vote of % 61.7 on July 9, 1961 , there was a wave of criticism which should not be forgotten. The

⁹³William Hale, (1994), pp. 138.

⁹⁴Metin Öztürk, Ordu ve Politika , (Ankara: Gündoğan Yayınları, 1993), pp. 73.

new Constitution was not the product of a social consensus, as the predominance of the RPP sympathisers and the exclusion of the Democrat Party was one of the most striking features. Also, the constitution was not accepted under a democratic system, but under the rule of the National Unity Committee. Therefore, the % 40 of the negative votes for the constitution was either represented by the discontent sympathisers of the excluded DP, or by those that saw the constitution as the product of the military.⁹⁵

Celal Bayar criticised the 1961 Constitution as being nothing more than the constitutional legitimation of the bureaucracy and the intellectuals.⁹⁶ The previous majoritarian concept of democracy and the Supremacy of the Legislature had been limited in certain ways by the imposition of non-political institutions as partners in the political game of the country and the Supremacy of the Constitution. Therefore, the criticisms of the Justice Party- the heir of the excluded DP- that the country could not be ruled by such a constitution were the natural outcomes of a discontent emerging from a different conception of the democratic politics; a conception that in the immediate past had been badly manipulated and transformed into a political monopoly of a majoritarian dictatorship.

The 1961 Constitution and the new electoral laws- providing for a system of proportional representation- changed the path of the evolution of the Turkish political system. The new constitution with its liberal provisions on civil liberties and the new legal-political institutions were great innovation and the firing of a future problematic political situation . A new era of coalitions began with the elections of October

⁹⁵Ergun Özbudun, (1993), pp. 23.

⁹⁶Metin Heper, (1985), pp. 89.

15, 1961. The first Grand National Assembly of Turkey's second Republic convened in Ankara on October 25, 1961. On October 27 General Gürsel was elected President of the Republic. After negotiations, the first coalition of the Republic was formed between the RPP and the JP. Without a culture of consensus, respect for the opposition and coalitions, how was Turkey's political life going to evolve ? Was the formation of coalitions the right step to be taken as the process of re democratisation was just starting? The return to civilian politics was opening new pages in the political life of the country, while at the same time the present could not be predicted as a panacea or an anathema for the coming future.

CHAPTER TWO

THE 12 SEPTEMBER 1980 MILITARY INTERVENTION

A. THE PATH TO THE 1971 ULTIMATUM: 1961-1971

The 1961 general elections opened a new page in the Turkish political history. The results of the elections were a disillusionment for the military. No party had an overall majority in the new parliament; the RPP had gained only a small lead over the JP (173 to 158 seats), with two smaller parties, the New Turkey Party and the Republican Peasants' Nation Party holding the balance of power and the arithmetical possibility of a coalition government. Thus, in effect, the electorate had returned to power the party- or the parties- which had close ties with the DP ousted by the military only the previous year. The hard-line officers in the Armed Forces Union (AFU) decided that the elections had not , in the words of Talat Aydemir " **completely realised the National Will** " and that some sort of intervention would be necessary.⁹⁷

A powerful group led by Cemal Tural- Martial Law Commander and Commander of the First Army in İstanbul- signed the " 21 October Protocol " which threatened intervention in order " to **entrust the revolution to the true and competent representatives of the nation, to prohibit all political parties and to annul the election results as well as abolish the NUC** ".⁹⁸ The 21 October Protocol was a manifesto of a coup which had certain weaknesses. First, the military was unprepared for such a coup, as the results of the 1961 elections were a bad surprise for

⁹⁷William Hale, (1986), pp. 12.

⁹⁸C. D. Dodd, " Sustaining Forces: The Military and the Bureaucracy ", in Democracy and Development in Turkey , (Walkington: The Eothen Press, 1979), pp. 137.

them. Second, the authors of the protocol had no plans for the regime to be installed after the coup. According to William Hale, "...to put it into effect, the signatories needed to carry the senior commanders in Ankara with them, since they do not seem to have prepared a counter-coup".⁹⁹ However, the NUC members were in a dilemma. On the one hand, they wanted to prevent a victory on the part of the supporters of Menderes. On the other hand, the coup, expected to be made by 25 October at the latest, would probably be the source of discontent and problematic situations both domestically and internationally.

In order to find a solution to the dilemma of the top commanders, Cevdet Sunay called an extra-ordinary meeting on October 23 of his four force commanders and a number of other senior officers. On October 24, 1961 a number of compromise proposals were discussed with the leaders of the political parties in the presidential mansion at Çankaya. According to the " Çankaya Protocol " , decided on and accepted by the parties' leaders on 24 October 1961, İsmet İnönü would become Prime Minister and political parties would support the election of Gürsel as the President of the Republic.¹⁰⁰ On October 26, 1961 İnönü formed a coalition government with the Justice Party. On 27 October Gürsel was elected President of the Republic . The complete return to civilian politics was implemented on 29 November , when the İnönü government was sworn in and the NUC was dissolved.

Before looking at the political scene of Turkey during this period, it is important to look at the newly emerging Justice Party, as it was

⁹⁹William Hale, (1994), pp. 146.

¹⁰⁰Ibid., pp. 147.

going to be a great protagonist in the evolution of the democratic politics of the country. The establishment of the JP after the 1960 military intervention- 11 February 1961- meant the continuation of the previously excluded Democrat Party. Therefore, the Justice Party - as well as the New Turkey Party and the Republican Peasants' Nation Party- as heirs of the Democrat Party were not easily accepted either by the military (the NUC or the Armed Forces Union) or the RPP. There was always a mistrust, anxiety and suspicion against the JP, which was further reinforced by two events: firstly, in the referendum for the ratification of the 1961 Constitution with a % 39.4 vote of discontent; and secondly, in the national elections of 15 October 1961 , by becoming the second party following the RPP, which was unable to gain an absolute majority.¹⁰¹

For Ümit Cizre-Sakallıoğlu, the JP carried two important features that made it a unique source of analysis for understanding Turkish politics. ¹⁰² First, the JP came as the heir of the excluded Democrat Party and as the product of the 1960 military intervention. Second, the military had been a very influential factor in the implementation of the party's politics and the formulation of its ideology. In order to escape from the suspicious and sometimes " oppressive " tendencies of the military, it followed a double-face strategy, which can be analysed in two historical periods. From the establishment of the party till the death of R.Gümüşpala (1964), the JP followed a strategy of " crouching down " (sinme) and " being loyal to the military " (orduya bağlılık) ; the other face of the coin

¹⁰¹Ümit Cizre-Sakallıoğlu, AP- Ordu İlişkileri : Bir İnkılabın Anatomisi (İstanbul: İletişim Yayınları, 1993), pp. 48.

¹⁰²Ibid., pp. 29-31; 49.

was the strategy of neutralising the military for coming closer to it, beginning with the party leadership of S.Demirel in the Second Grand Congress on November 27-29, 1964.

The 21 October Protocol carried an important role for the JP, as for the first time the party presented concessional tendencies and a compromise towards the military. Although there was an electoral support for the Justice Party, the oppressive and difficult times in its relations with the military, since its establishment, played a greater role in understanding that there was no way to oppose the 27 May regime and the military. Thus, as the opposite of the DP, the JP was very cautious in its relations with the military. In order to show its good will to the military, the JP-dominated parliament in 1966 elected Cevdet Sunay the President of the Republic , **"...who had prevented the coup of 1961 and the uprisings of Aydemir and who would be a guarantee for both the JP and the political regime of the country".**¹⁰³

İnönü headed a series of three unstable coalitions until February 1965, when he finally retired from the premiership. Continuing concern for the question of an amnesty for those ex-Democrats who had been convicted at Yassiada, opened the path for two more unsuccessful intervention attempts in 1962 and 1963. Both attempts were led by Talat Aydemir- the War School Commander- and both failed due to the chain of command by most of the military establishment and to the military's trust in the political resourcefulness of İnönü. The execution of Aydemir and one of his principal collaborators meant the end of the rash of plotting and the

¹⁰³Ibid., pp. 49-50.

politicisation of the middle and lower ranks of the officer corps which had continued unchecked after the return to civilian rule in 1961.¹⁰⁴

The advancing popularity of the Justice Party led to its victory in the 1965 general elections . In spite of the decline of its votes, in 1969, it retained its absolute majority in the Assembly and continued to be in power until the military forced the JP government to resign in March 1971. However, the rise of the JP and its new moderate leader- S. Demirel- did not come alone. The Labour Party (LP) emerged as the spokesman for the leftists which consisted of Marxist workers, intellectuals, and a variety of marginal groups. This caused internal disputes within the fragmented RPP which underwent important transformations. B.Ecevit became the Secretary General of the RPP and the party platform took the new principle of the left of centre. On the other hand, the liberal and middle-of-the-road group of the RPP, headed by Turhan Feyzioğlu, resigned and formed its own Reliance Party in 1967.¹⁰⁵

Although there was an increase in prosperity rates and the JP had managed to gain a large majority for effective government, dissension within the JP was not absent. The party of the liberal wing of Demirel had to face a right wing which included religious, ultra-conservative, and former Democrat Party elements. This was actually the calling for the creation of the chauvinist and anti-Communist Nationalist Action Party (NAP) of A. Türkeş in 1969 (as the revitalisation of RPNP which had been taken over by Türkeş in 1965) and the Islamic and anti-western National Order Party

¹⁰⁴George Harris, " The Role of the Military in Turkey in the 1980s ", in State, Democracy and the Military : Turkey in the 1980s , Metin Heper and Ahmet Evin (eds.), (Berlin, New York: Walter de Gruyter, 1988), pp. 185.

¹⁰⁵Kemal Karpat, (1988), pp. 145.

(later the National Salvation Party) of N.Erbakan in 1970. On the other hand, forty-one right-wing dissidents defected to form a new Democratic Party in May 1970, representing those of the Justice Party who had resigned because of their resentment to the rise of Demirel to the party leadership in 1964 and their exclusion from a ministerial post in the cabinets formed.¹⁰⁶ This was actually a crucial period for the JP , as the internal disputes and fragmentation were coupled with the violence of this specific period, undermining the control of the government over the critical situation.

Growing industrialisation and rising inflation created the conditions favourable for the emergence of a strong trade unionism, and especially " **the radicalisation of trade union leadership** " , which developed with the founding in 1967 of the leftist breakaway union confederation, the Confederation of Revolutionary Workers' Unions, known by its Turkish acronym, DISK .¹⁰⁷

What was going to be the lethal shock to the Turkish democracy was not the existence of extremist parties or the country's ideological and political polarisation; rather, it was the transformation of these divisions within the Turkish society into a wave of violence. Universities were full of bloody clashes between left-wing students influenced by the youth-radicalism in France in 1968 and right-wing students with strong nationalist feelings and an inherent opposition to socialist-internationalism and Marxism-which implied the Soviet threat.¹⁰⁸ While the left was becoming more and more radical and Marxism was

¹⁰⁶William Hale, (1994), pp. 180.

¹⁰⁷C.H.Dodd, The Crisis of Turkish Democracy , (Walkington: The Eothen Press, 1983), pp. 10.

¹⁰⁸Ibid., pp. 11.

becoming the ideology of some university circles, trade unions, the press, and professional organisations, there was the accompanied resurgence of active nationalist and religious feelings. The NAP and the NSP were the beneficiaries of these feelings which tried to increase their political popularity and attain their political ends. The NAP, by forming the Grey Wolves, was itself involved in violence.

Another important and problematic issue in the politics of this period was the amnesty problem of the former Democrats, which required a constitutional amendment supported by a two-thirds majority in the parliament. In 1968, the New Turkey Party and the Justice Party's congress brought the issue of amnesty again in the political stage of the country. Surprisingly, in 1969 İnönü announced that the RPP also favoured the proposal. This move from the part of the RPP was actually a sign of preparation for gaining the support of the electorate and softening the image of the party in the rightist circles.¹⁰⁹

Although the amendment was passed by the lower house on 14 May 1969, the military strongly opposed the change while it was in its way to the Senate. The fear of the government for a coup d'état forced the Prime Minister to show again an incredible sign of compromise and was forced to convince the Justice Party's Senators not to support the amendment.¹¹⁰

The Istanbul's Bloody Sunday of 16th February 1969, the uncontrolled waves of violence within the universities and outside, coupled

¹⁰⁹Ümit Cizre-Sakallıoğlu, (1993), pp. 79.

¹¹⁰Ibid., pp. 80. The amendment was finally passed by the Senate on 5 November 1969; amended again by a decision of the Constitutional Court; and finally passed on 16 June 1974 (See, Metin Öztürk, (1993), pp. 79.

with the inability of the police for preventing all this anarchy and the fear that the government had lost control over its own followers and was unable to deal with the extremism of the left and right, were the motives which forced the military to intervene and to handle domestic turmoil and anarchy.¹¹¹

B. THE 1971-73 MILITARY RULE

The 1971 coup-by-pronunciamento was made by the top generals who had been " **supersensitive to the issue of politicisation and factionalisation within the military** ".¹¹² The memorandum issued by the top echelons of the Turkish military was sent to the President and the speakers of the two chambers of parliament. The ultimatum was broadcast on Turkish radio on 12 March 1971:¹¹³

" 1) Through their persistent policy, views and actions, parliament and the government have driven our country into anarchy, fratricidal strife and social and economic unrest. In the public mind, they have destroyed the hope of reaching the level of contemporary civilisation, which Atatürk set as our goal. They have failed to carry out the reforms which were envisaged in the Constitution , and have thus plunged the future of the Turkish Republic into acute danger.

2) The measures which are needed to end the concern and disillusionment felt about this grave situation by the Turkish nation and

¹¹¹ Ibid., pp. 12.

¹¹² Metin Heper, (1987), pp. 57.

¹¹³ William Hale, (1994), pp. 184-185.

the Armed Forces which spring from its bosom should be assessed by our parliament in a non-partisan spirit. It is considered essential that a powerful and credible government should be set up, within the democratic rules , which will end the present anarchic situation, will take up the reforms envisaged in the Constitution, in the spirit of Atatürkism, and will implement reformist laws.

3) If this is not speedily undertaken, the Turkish Armed Forces, carrying out the duty which is given to them by law to protect and preserve the Turkish Republic, are determined to take over the administration directly...".

What were the reasons for the military ultimatum of 1971 ? The fragmentation within the Justice Party and the emergence of ultra-conservative rightist parties, such as the Nationalist Action Party and the National Order Party, were an important factor for cutting down the support for the Justice Party. In addition to this, the New Democratic Party of the dissidents of the JP was a crucial partner in the combination of the RPP with the above mentioned " disparate opposition parties " in voting down the government's first budget in February 1970.¹¹⁴ Observers, including the military were left uncertain as to whether Demirel could carry on as Prime Minister.

Moreover, the situation within the armed forces played a crucial role in the breakdown of democracy in 1971. First, the polarisation and fragmentation of the political system was accompanied by a wave of terrorism and violence that led to the breakdown of law and order,

¹¹⁴ William Hale, (1986), pp. 17.

particularly in the universities. Therefore, the military was at unease and worried about the future of the country.

Second, the politicisation of the armed forces and their increasing tendencies towards interventions in the political stage were not prevented. The " Menderes complex " of the Justice Party and its strategy of compromise and concessions given to the military- for having itself been accepted within the circles of the military- proved to be a lethal shock for both the JP and the Turkish democracy.¹¹⁵ The radicalisation within the military had taken the form of a " reformist " viewpoint of some young officers- especially in the Air Force- who, like their predecessors in the early sixties felt that the solution to the disorder could only be found in the implementation of the economic and social reformism which had inspired the 27 May coup. ¹¹⁶ If this reformist viewpoint reflected the policies of the " left-of-centre " RPP of 1965, another group of radicals - like the radicals of 1960-61- advocated that a liberal democratic system was not a stable basis for real progress; thus, they advocated the establishment of an authoritarian regime which, they believed, **"...would make Turkey more egalitarian, more independent and more " modern " , in spite of itself..."**.¹¹⁷

Although both the JP and the military shared the same " right and anti-Communist " line of thinking, this fact has never been sufficient for an alliance between the JP and the military. Ümit Cizre-Sakallıoğlu argues that there were two factors preventing this alliance.¹¹⁸ On the one hand, the JP and the military were bound together by a historical

¹¹⁵ Ümit Cizre-Sakallıoğlu, (1993), pp. 81.

¹¹⁶ William Hale, (1994), pp. 185.

¹¹⁷ Ibid., pp. 186.

¹¹⁸ Ümit Cizre-Sakallıoğlu, (1993), pp. 86.

antagonism. As long as the JP was trying to legitimise itself in the eyes of the military by the strategy of compromise and concessions, what was possible to be implemented was not an alliance between them, but only a somewhat peaceful coexistence. On the other hand, the JP had never planned to use the military against the left - at least until that moment. Although anti-communism was the common point between the JP and the military, the latter showed tendencies of politicisation that refused the notion of civilian authority over the military. Therefore, it was the tendency of the military to refuse action under the supervision of the civilian authority that prevented the JP from seeking an alliance with the military on the " communist threat ".¹¹⁹ Thus, an alliance had not taken place in the program of the JP. When the left-right polarisation began within the society and the military, any plan for a possible alliance between the two groups was hardly possible. If the left-wing of the military could not have been even thought as an ally, the authoritarian right-wing of the military and a possible alliance was out of question. Ümit Cizre-Sakallıoğlu argues that the JP was a party based on national will and elections. In order not to put into danger their image in the eyes of the electorate, an alliance with the right-wing military had to be prevented; a short run "co-operation" with them would probably be the beginning of a problematic situation in the long run.¹²⁰

Under such critical times, the top echelons of the military decided to make the 1971 coup-by-pronunciamento in order to head off a coup by the colonels. The top generals had become supersensitive to the

¹¹⁹ Further information on Ibid., pp. 66-68.

¹²⁰ Ibid., pp. 87.

issue of politicisation and factionalisation within the military. The 1971 coup kept the hierarchy intact, as the intervention was preceded by several meetings among a circle of top generals, aimed at developing a consensus within the military regarding the necessity of the intervention.¹²¹ The makers of the coup had no specific plans for the period after the ultimatum, except from the belief that **"...some of the programmatic injunctions of the 1961 constitution had been overlooked by the previous governments, and they demanded that appropriate measures be taken.....without going into details as to what exactly should be done..."**.¹²²

According to Metin Heper, the importance of the 1971 takeover lies in the fact that , from 1971 on the military increasingly chose to act alone, as in their opinion **" they no longer had, as far as the guardianship of the Republic was concerned, any natural allies among the civilian intelligentsia or the political parties."**¹²³ Since the military was concerned about the polarisation and factionalisation within their ranks, on 15 March 1971 three generals and eight colonels were dismissed from the forces, on the grounds that they had broken military law by **"...going outside the hierarchic mechanism and had engaged in political activities basically irreconcilable with the disciplinary rules of the Armed Forces..."**.¹²⁴ Also, on 7 July 1971 a group of military officers and civilians under the leadership of ex-General Cemal Madanoğlu was arrested and

¹²¹ William Hale, (1994), pp. 189-193.

¹²² Metin Heper, (1987), pp. 57.

¹²³ Ibid., pp. 57.

¹²⁴ William Hale, (1994), pp. 186.

brought before a martial law court in January 1973, accused of conspiring against the state and trying to subvert the armed forces.¹²⁵

After the resignation of Demirel, President Sunay appointed Nihat Erim in the position of premier. Erim was a former Professor of Public Law in Ankara University, a deputy of RPP in 1945, and a minister in the last two governments under İnönü's presidency in 1948-50, returning to parliament. After his formal resignation from the RPP, Erim tried to act in a non-partisan way as the other members of the cabinet were to be chosen from outside the parliament. The first Erim government proved to be very unstable, as it had sworn in with the joint support of JP and RPP. Demirel could hardly express open approval of a government which, in his view, had come to power quite illegitimately. However, in order to retain some power and influence in the new order, he allowed members of his party to join the cabinet and give approval to the parliament. On the RPP side, there was a confusion between two camps: those who favoured the memorandum as expressing their own party programme; and those who were against the notion of military intervention, under the fear that, if there was an approval of it, people would make a link between the party and the military. The resignation of Ecevit from his post as a protest to the new regime on 21 March predicted that a democratic opposition to the Erim government would be carried by him.¹²⁶

The move against disorder began with the imposition of martial law in a number of provinces; a broad wave of arrests of suspects- a number of whom had no direct connection with violence; over 400 intellectuals

¹²⁵ Ibid., pp. 186.

¹²⁶ Ibid., pp. 195.

were arrested; the Turkish Labour Party was closed down; leftist publications were shut down; and the members of the TLP were accused of propagating communist propaganda and advocating autonomy for the Kurds.¹²⁷

There is a lot of debate whether some changes in the 1961 Constitution were in the initial program of the 1971 ultimatum or not. It is important to note that the JP had always been in the side of some basic revisions of the Constitution, as the division of powers, the Supremacy of the Constitution and the institutional agencies of the 1961 Constitution were a burden to their majoritarian conception of democracy. Thus, in 1969, with their Electoral Platform they had made their proposals. The imposition of Martial Law and the restrictions imposed on the active sector of the society (restrictions on strikes, associations and trade unions, etc.) had created a negative impression both domestically and internationally.¹²⁸ Thus, under the pressures of the military and the conservative parties in the parliament, a lengthy constitutional amendment was enacted in September 1971.

What were the main tendencies in the implementation of the 1971 Constitutional amendments ? George Harris argues that there were two general approaches : " a) **strengthening the powers of the government against threats to national unity, public order, and national security;** and, b) **increasing the autonomy and freedom of action of the military**

¹²⁷C.D.Dodd, (1983), pp. 13.

¹²⁸Bülent Tanör, " 12 Mart Rejimi Anayasa Değişikleri ", in Armağan: Kanun-U Esasi'nin 100. Yılı (Ankara: A.Ü Siyasal Bilgiler Fakültesi Yayınları No: 423, 1978), pp. 427.

establishment in more or less subtle ways...".¹²⁹ The 1971 amendments changed 35 articles and added nine transitional articles.

So far as the establishment and functions of the state power is concerned, the military succeeded to take important concessions from the civil power. Thus, the capacity of the military judiciary was broadened by the introduction of the Military Administrative Court. Judicial review of administrative acts and actions concerning military personnel rests within the jurisdiction of the Military Administrative Court (art. 140/end). Formerly, it was the Council of State which had this particular power of review.¹³⁰ In addition, the reasons for the imposition of martial law were broadened by new additions (art. 124/1), and the possibility for civilians to be tried in Military Courts was increased (138/2). By the addition of paragraph 3 in Art. 127, the military showed its tendency to escape from the supervision of the civilian power. Thus, the supervision of the state properties of the Military would be reformulated by law under the premise of confidentiality required for the national security of the country.¹³¹

In terms of bolstering the position of the armed forces, the amendment concerning Art. 111 specified that the National Security Council could now present to the cabinet not only views but " recommendations " as well. In order to ensure their autonomy from the political elites, this legally institutionalised channel would be a good

¹²⁹ George Harris, " The Role of the Military in Turkey in the 1980s " , in State, Democracy and the Military: Turkey in the 1980s , Metin Heper and Ahmet Evin (eds.), (Berlin, New York: Walter de Gruyter, 1988), pp. 188.

¹³⁰ Bülent Tanör, (1978), pp. 433.

¹³¹ Ibid., pp. 433.

" instrument " of influence and, they would be able to prevent, ".....among other things, the degeneration of the political system...".¹³²

The 1971-73 amendments played a crucial role in the restriction of the power of the judiciary. The minor political parties had no right of appeal to the Constitutional Court (Art. 149), and the statutes concerning the amendments of the Constitution were subject of review only as long as their form is concerned (Art. 147/1).¹³³ The introduction of the Military Administrative Court and its functions was another sign of the weakening of the power of the judiciary over the administration, the executive and the legislation. Also, the changes of Art. 56/4, 82, 138/1 and the Transitory Article 21 were devices that weakened the supremacy of the Constitution and the independence of the judiciary and introduced the notion that " the Constitution should not be in conflict with laws" (anayasa karşı hile).¹³⁴ These changes concerned those statutes that had been annuled by the Constitutional Court previously, but had been incorporated as constitutional articles later, in the 1971-73 constitutional amendments of the 1970 military rule.

The strengthening of the executive and the legislature and the loosening of power of the judiciary were the central aims of the opposition to the 1961 Constitution. Thus, the new amendments realised their aims by giving power to the cabinet to issue decrees with the force of law when so instructed by the parliament (Art. 64/2). The restrictions on the autonomy of the universities and the TRT (Art. 120 and 121) reinforced

¹³²Metin Heper, (1987), pp. 58.

¹³³Bülent Tanör, (1994), pp. 56.

¹³⁴Ibid., pp. 56.

the strengthening of the executive and its return as a " single body " (yekparelik) ; the autonomous institutions had been characterised by N.Erim as the " duchies " of the 1961 Constitution , and the restrictions to their autonomous status opened the path for the homogeneity, centralisation and singularity of the executive.¹³⁵

The liberal element of the 1961 Constitution was also restricted. Beyond the restrictions imposed on the autonomy of the universities and the TRT, there lied amendments concerning restrictions on the civil liberties and rights. Thus, the reasons for the limitations on civil liberties and rights were increased (Art. 15, 22, 29, 46/1) under the vague spirit that " **the nation and the national unity should be protected** "; the legal protection of the individual had been restricted (Art. 30); the individual duties had been increased (Art. 60); and the reasons for the declaration of a state of emergency were softened and the transition to martial law had been made easier (Art. 124/1).¹³⁶

The right to establish trade unions and the right for academic personnel to be members of political parties were forbidden (Art. 119 and 120). Small political parties were refused help by the Treasury (Art. 56/end and Trans. Art. 22) and they were refused the right for appeal to the Constitutional Court (Art. 149).¹³⁷ Also, the executive had gained important power in the formulation and restriction of the civil liberties and rights, while the judiciary was loosing control (Art. 19/end, 22/3, 29, 30); the notion of " natural judiciary " (tabii yargı yolu) had been transformed

¹³⁵ Ibid., pp. 57.

¹³⁶ Bülent Tanör, (1978), pp. 436.

¹³⁷ Bülent Tanör, (1994), pp. 59.

in the notion of " legal judiciary" (kanuni yargı yolu) by such devices as the trial of civilians in military courts, the imposition of the Military Administrative Court, the flexibility in the declaration of martial law, and the establishment of the Court of the Security of the State (Devlet Güvenlik Mahkemesi).¹³⁸

Although the military had intervened on the grounds of demanding the implementation of the " reforms envisaged in the Constitution in the spirit of Atatürkism ", the final outcome was completely different. What can be characterised as the product of the four governments of the " semi-military " period of 1971-73 was not actually a reformist liberal democracy, but a regime which opened the path to the 1980 military intervention. As the most important product of the 1971 ultimatum, the 1971-73 amendments carried a negative character at the expense of liberal democracy. Therefore, there was a paradoxical situation: if the military had actually intervened for the incomplete reformist laws of the 1961 Constitution and the mismanagement of the country by the Justice Party, why the outcome of these years had been a restriction of the liberal element of the Constitution, with the primary help of the party that had been criticised by its political failures ?

Although the military strongly supported the idea of non-party governments during the years of the " half-way coup "¹³⁹, both Erim governments (March to December 1971 and December 1971 to April 1972), the Melen government (June 1972 to April 1973) and the Talu government (April 1973 to October 1973) were based on a difficult

¹³⁸ Bülent Tanör, (1978), pp. 437.

¹³⁹ William Hale, (1994), pp. 184-211.

compromise between the existing political parties- especially the JP and the RPP. Moreover, the amendments of the 1961 Constitution clearly indicates that they were the product of the military and the conservative Justice Party, which looked after the ways of guaranteeing the governmental posts in the transitional period. Thus, the changes in the Constitution offered a more direct path of influence of the political stage for the military and the strengthening of the executive through weakening the power of the judiciary and the restriction of civil rights and liberties for the JP.

What was the actual importance of the indirect military rule of 1971-73 for the Justice Party ? First, there was a similarity between the 27 May regime and the 12 March regime : on the first occasion, it was the DP that had been attacked by the military, while on the second occasion, the ultimatum had come for the JP- the heir of the excluded Democrat Party. Thus, the 1971 ultimatum was a turning point for the JP, both for its relations to the military and for the political philosophy of the party.¹⁴⁰

There is the paradox for JP during the years of the indirect military rule of both being the party attacked by the military's ultimatum and also being one of the most " loyal " supporters of the four unstable governments of 1971-73. Why ? According to Ümit Cizre Sakallıoğlu, the answer to this question lies on the pragmatism of the party's strategy towards its relations with the military: a cooperation with the military in the short run thought to be a guarantor for the dismissal of it from the political scene in the long run.¹⁴¹ Therefore, the strategy of compromise and concessions had changed in nature. Now, there was not the anxiety of the

¹⁴⁰Ümit Cizre Sakallıoğlu, (1993), pp. 93.

¹⁴¹Ibid., pp. 113.

JP for legitimising itself in the eyes of the military; it was rather the " battle " of the party against the rise of Communism and the political work of the party for establishing a strong state formula, which will be the antidote for both the prevention of crisis situation and future military interventions.

If the essence of the 1971-73 amendments lies on the formula of a strong state- as put it against the dangerous rise of the left ideology- through the restriction of liberal elements of the Constitution , the presidential election crisis of 1973 represented another element of the transformation of the JP towards the military, and more generally " **a crucial clash between the civilian politicians and the military....**"¹⁴². The end of President Sunay's term inaugurated the first opposition from all political parties to the will of the military for Faruk Gürler occupying the presidential mansion. The presidential election was supposed to be of great importance for the military as " **they regarded the presidency ...being almost within their gift and....representing the military within the civilian political system...**"¹⁴³.

However, the change of leadership in the RPP and the chairmanship of Bülent Ecevit was a crucial point in the clash between the military and the civilian politicians. Ecevit had always opposed the 12 March regime; therefore, it was natural not to support the candidacy of Gürler, who was one of the four makers of the 1971 ultimatum. On the other hand, there was the JP and Demirel who refused to support Gürler under the fear that in the future he would not be appointed premier by a

¹⁴²William Hale, (1994), pp. 203.

¹⁴³ Ibid., pp. 204.

President having the " stamp " of the 12 March regime. This was actually another sign of the changing nature of the strategies of the JP, as in the past the President with a military background thought to be a guarantor for the party.¹⁴⁴ After months of tension and various proposals of candidates, a compromise was made in the candidacy of ex-Admiral Korutürk who was elected president by an overwhelming majority on April 6, 1973.

According to William Hale, the experience of 1971-73 seem to have had three important effects during the succeeding period: ¹⁴⁵"...i) the experience of martial law administration and the civilian government's loss of power , probably made subsequent prime ministers very reluctant to proclaim martial law again, until the breakdown of public order had already passed the point of no return; ii) the army seem to be reluctant to compromise on a future half-way coup, as in 1971; iii) the outcome of the presidential crisis of 1973 severely weakened the credibility of any future warnings which the military may issue to the government..."

C. THE POLITICS OF 1973 TO 1980

On October 1973, civilian rule returned in Turkey. However, none of the six competing parties won a majority and all failed to agree on a ruling coalition. The RPP- which had deviated to the left under the leadership of Ecevit- emerged as the strongest single party over its principal antagonist, the JP. An unlikely coalition with the ultraconservative NSP of N. Erbakan and the RPP was the result of a lot of manoeuvring between the

¹⁴⁴Ümit Cizre Sakallıoğlu, (1993), pp. 94.

¹⁴⁵William Hale, (1994), pp. 211.

parties. This coalition lasted until September 1974, when Ecevit resigned under the pressure of deep policy differences with the NSP. In 1975 Demirel returned to premiership with a right-wing coalition (the Nationalist Front) between the JP, the NSP, the Reliance Party, and the NAP.

The general elections of 1977 proved to be the elections which united the JP and the RPP under the same high hopes of forming a single-party government. In comparison to the election results of 1973, both parties had increased their share of the total vote; the JP got an increase of 7 percentage (% 36.9), while the RPP gained % 41.40 - 8 percentage points more than in 1973. The NAP also increased its electoral support (from % 3.4 to % 6.4), while the other smaller parties showed a decrease in their votes.¹⁴⁶ According to Sabri Sayarı, the JP, the RPP, and the NAP were the beneficiaries of the intensified Left-Right cleavage and the polarisation of the Turkish political system.¹⁴⁷ The transition from a predominant party system to moderate pluralism was again evident at the time when Demirel re-established the Nationalist Front in August 1977. The role of the NSP and the NAP was pivotal , having in their hands the government formation capability. The coalition period of Turkish politics was ended by the last coalition of Ecevit, the Independents, and other two minuscule parties (the RRP and the DP) which won a vote of confidence in January 1978.¹⁴⁸

¹⁴⁶ Sabri Sayarı, " The Turkish Party System in Transition ", in Government and Opposition , 12: 39-57, (1978), pp. 631.

¹⁴⁷ Ibid., pp. 632.

¹⁴⁸ William Hale, " The Role of the Electoral System in Turkish Politics ", in International Journal of Middle East Studies , vol: 11, 1980, pp. 403-404.

According to Sabri Sayari, the 1970s were characterised by a political crisis which was leading to the breakdown of the system. The period was characterised by increasing political polarisation and fragmentation in the party system; rapid escalation of political violence and terrorism; growing militancy of anti-systemic forces at both extremes of the political spectrum; rising ministerial instability with short-lived coalition or minority-governments; and frequent lapses into parliamentary deadlock and policy immobilism.¹⁴⁹ The growth of fragmentation and polarisation significantly increased the vulnerability of the regime to a breakdown through a military coup.

At the level of the electorate, proportional representation had created the conditions for increased fragmentation of voter alignments, which were translated as highly fractionalised parliaments devoid of parliamentary durable majorities. At the level of political elites, there was the unwillingness of the centre-left RPP and the centre-right JP to reach a compromise despite the deterioration of the economy, the alarming rise of internal violence and the polarisation of the political life.¹⁵⁰

Rustow summed up the situation of the 1970s when he wrote that " **Turkey's political ills were not those of repression , but of excess of expression..**".¹⁵¹ Politically inspired terrorism had been temporarily suppressed by the martial law administration of 1971-73, but by the late 1970s it had re-emerged on a far more frightening scale. According to George Harris, the violence of the 1970s can be divided into three broad

¹⁴⁹Sabri Sayari, " The Crisis of the Turkish Party System, 1973-1980 ", paper prepared for the conference on : " History and Society in Turkey ", Berlin, December 18-20, 1981, pp. 1.

¹⁵⁰Ibid., pp. 2

¹⁵¹Quoting Rustow, Metin Heper, (1985), pp. 123.

categories, which can be loosely defined as ideological, sectarian and ethnic.¹⁵² The extreme left groups of the Turkish People's Liberation Front, the Maoist-inspired Turkish Workers and the Peasants Liberation Army carried out selected assassinations of prominent victims. There were bloody clashes between groups of the extreme left and the extreme right; TOB-DER and Dev-Genc were clashing with the re-formed Grey Wolves and the Association of Idealist Youth, both groups with connections with NAP. The events of Kahramanmaraş in 1978 were the expression of the intercommunal fighting of the primordial sectarian loyalties of Sunnis and Alevis. The violent confrontation of these cleavages had actually labelled themselves under the ideological division between the left(Alevis) and the extreme right(Sunnis). The third source of violence was the ethnic conflict of the Kurds versus the Turkish state.¹⁵³

The Kahramanmaraş incident and the declaration of martial law on Christmas Day 1978 was a turning point . The intensification of terrorism , violence and politicisation changed the neutral or passive role which the military had taken during 1973 to 1978. According to Mehmet Ali Birand, **"...1979 would be the year in which the armed forces gradually moved from discussing the possibility of an " intervention " in private gatherings to open and direct discussions of its necessity to halt the slide into anarchy; indeed, from the second half of 1979, the question was simply one of " when and how to intervene "..."**¹⁵⁴ Actually, the military was not comfortable with Ecevit's insistence that , during martial law

¹⁵²Quoting G.Harris, William Hale, (1994), pp. 224.

¹⁵³William Hale, (1994), pp. 225- 226.

¹⁵⁴ Mehmet Ali Birand, The Generals' Coup in Turkey: An Inside Story of 12 September 1980 (London, New York, Toronto: Brassey's Defence Publishers, 1987), pp. 61.

administration, they had to act as the " regime's policemen"- a joint administration of civilian and military power.¹⁵⁵ The interference of the civilian authorities in martial law reinforced the military's perception that the resolution of crisis could only be possible if they could have a free hand in applying their own means and methods.¹⁵⁶

In the autumn of 1979, the RPP suffered a total defeat in the partial elections when it lost five seats contested in the National Assembly, as a result of which Ecevit resigned from premiership. Demirel then established a minority government which in January 1980, introduced the economic stabilisation program recommended for years by Turkey's foreign creditors. However, the anarchic situation had found no remedy. On December 27, 1979 a warning letter was delivered to President Korutürk demanding new legislation and administrative measures to strengthen the powers of the martial law commanders.¹⁵⁷ The Chief of Staff, K.Evren, and the force commanders suggested a " grand coalition" between the JP and the RPP as the remedy to the anarchic situation of the country and stated that military intervention would be the last resort, if necessary.¹⁵⁸

The President took an over-cautious position towards the generals by noticing that there was not the right time for a military intervention: **"...The most important thing is not to solve questions with an iron fist. That is the last possible means. Try finding solutions within the democratic framework..."**.¹⁵⁹ Although the President informed Demirel and

¹⁵⁵William Hale, (1994), pp. 233.

¹⁵⁶ Mehmet Ali Birand, (1987), pp. 61.

¹⁵⁷William Hale, (1994), pp. 235.

¹⁵⁸Ibid., pp. 235; Mehmet Ali Birand, (1987), pp. 105.

¹⁵⁹ Mehmet Ali Birand, (1987), pp. 106.

Ecevit of the warning letter, Demirel refused the idea of a coalition, reminding that his government would be able to deal with the situation.¹⁶⁰

The political confusion took serious forms with the presidential election crisis on April 1980, the refusal of Ecevit for early elections and generally the impossibility of a reconciliation between the top political leaders. Meanwhile, the military was well advanced in the plans for a military intervention which would not repeat the mistakes of those of 1960 and 1971. What was professionally planned was the restructuring of the whole political system through the making of a new Constitution, new electoral laws and a new political parties Law, the prorogation of the parliament, and the imposition of the NSC as the responsible body of the government.¹⁶¹ The initial date for the intervention was planned for July 11, but Demirel's vote of confidence on July 3 postponed the coup for September 12.¹⁶²

The disintegration, polarisation and fragmentation of the Turkish political system could not be prevented by the civilian powers. Whether the crisis situation was the expression of the unwillingness of the political leaders to unite under the urgency and danger of the times, or, as Rustow has earlier pointed out , " **the product of the excess of expression** " , it seems that the political leaders had not taken seriously the warning letter of Evren and the top commanders. According to William Hale, there was the disillusionment of the political leaders that they should have been left alone to solve the crisis situation , having in mind " **...the failure of the**

¹⁶⁰William Hale, (1994), pp. 235.

¹⁶¹Ibid., pp. 237.

¹⁶²Mehmet Ali Birand, (1987), pp. 142, 145, 160.

semi-military regime of 1971-73, the defeat of Güler in the presidential elections of 1973, and the fact that they had themselves approved the appointments of most of the men at the top of the armed forces¹⁶³

By early September 1980, it was evident that a compromise in the political level was hardly possible. Therefore, the planned coup of the armed forces was an inevitable conclusion to the critical years of 1973 to 1980. Mehmet Ali Birand describes in a vivid manner the " Operation Flag " on 12 September 1980: "....For the third time in twenty years, the airwaves carried the patriotic army march " Forward Turk, Forward...." across the breadth and length of the country. It was far too early to ascertain whether the country was going forward as the march suggested or taking a step backward with the impending suspension of parliamentary democracy. But for the Turkish citizens who heard the dawn broadcast and for the rest who would tune in during the next two to three hours as the nation woke up to another day (04:00 hours), a sigh of relief and a hearty " And about time, too! " seemed to be the overwhelming initial reaction. The deep-voiced announcer informed the nation that a new and a totally different chapter in the country's history had started....".¹⁶⁴

D. THE 12 SEPTEMBER 1980 MILITARY INTERVENTION

The military intervention of 12 September 1980 was legitimising itself in the following tones: "... The aim of the operation is to

¹⁶³William Hale, (1994), pp. 239.

¹⁶⁴ Mehmet Ali Birand, (1987), pp. 186.

safeguard the integrity of the country, to provide for national unity and fraternity, to prevent the existence and the possibility of civil war and internecine struggle, to re-establish the existence and the authority of the state, and to eliminate the factors that hinder the smooth working of the democratic order...".¹⁶⁵ Therefore, the military had come with four main tasks: 1) to suppress terrorism; 2) to restore economic growth and stability; 3) to introduce a new Constitution and legal arrangements which would prevent another lapse into anarchy; and 4) to work out effective arrangements with the civilians.¹⁶⁶

The military intervention was actually welcomed by the majority of the Turkish people with relief due to the violence and anarchy in the streets. The coup was bloodless with the restoration of order as the immediate task of the army and the restructuring of the political system as the long-term aim. The military was presenting themselves as saviours and not as political power hunters.

The 1980 military coup was again legitimising its above politics role by guaranteeing that they had come for the restoration of democracy and not for destroying the democratic regime. Therefore, they intended to stay in power only for the time necessary to re-establish a healthy-working system. Starting with the late 1970s and continuing in the 1980s, military tried to isolate itself from any relationship with political parties. They believed that the more they isolated themselves from political parties, the more their prestige was increasing in the eyes of the people. Their belief in

¹⁶⁵Metin Heper, (1988), pp. 131.

¹⁶⁶William Hale, ' Transition to Civilian Governments in Turkey ', in The State, Democracy and the Military: Turkey in the 1980s, pp. 166.

the six principles of Ataturk as a world view- not as the ideology of the politicised bureaucracy of the 1960s and 1970s- had made them to accept themselves as the enlightened wise authority which works for the best of the nation. The qualities of altruism, honour, hierarchy, conformity and integration for a long period of time had made them as the most trustful state institution in the eyes of the people.

The military claimed that it was the bad work of politicians that had caused the turmoil in the country, and the democratic system in itself. What they believed was the " rationalist democracy " of Ataturk, and considered themselves responsible only to the people and not to the Parliament or the government of the bad and irresponsible politicians. Kenan Evren, the leader of the coup, said that : "... we have **not eliminated democracy. I would particularly like to point out that we were forced to launch this operation in order to restore democracy with all its principles, to replace a malfunctioning democracy...**".¹⁶⁷ However, there was always the suspicion whether the military had come as guardians of the State and the Nation or as power seekers. The accusation of coming to power as political actors seeking to dominate the political stage for personal interests was coming especially from Demirel. He questioned the timing of the intervention and accused the military of deliberately having waited until the crisis was come to a deadlock for gaining the support and the relief of the people and legitimising their intervention.¹⁶⁸

¹⁶⁷James Brown, " The Military and Politics in Turkey ", in Armed Forces and Society , 13:2 , 1987, pp. 240.

¹⁶⁸Kemal Karpat, (1988), pp. 149.

In order to govern the country the military took over the National Security Council, which was consisted of the chairmanship of Kenan Evren and the commanders of the army, the navy, the air forces, and the gendarmerie . A cabinet of twenty-six members, comprised by the military and civilian technocrats was formed, with a former admiral- Bulent Ulusu- as prime minister. One of the first task of the government was to declare Turkey's continuing adherence to NATO. Then, the government passed to the suppression of the conflict.

All strikes were called to an end and were banned. There was also an increase of seventy per cent to all workers who had come out on strike by the employers, under the orders of the new cabinet. Martial Law was declared in sixty-seven provinces. Trade union federations- the DISK and the MISK- were closed down and their leaders were arrested and trials began. The bureaucracy was purged for being politicised and a number of mayors and elected members of local councils were dismissed, their functions to be performed by the provincial governors.¹⁶⁹

The military believed that the pre-coup political parties had weakened the state, divided the citizenry, and promoted enmity among themselves.¹⁷⁰ Because of the military's belief that **"...political parties should be instruments of national unity, order, and stability rather than vehicles for the expression of special interests of social or economic groups or particular regions of the country..."**¹⁷¹, all political parties had been banned from political activities at the time of the coup. The leaders of the existing

¹⁶⁹C.D.Dodd, (1983), pp. 43-46.

¹⁷⁰Metin Heper, (1985), pp. 133.

¹⁷¹ Kemal Karpat, (1988), pp. 152.

political parties had been interned at the same time. Demirel and Ecevit's internment at Gallipoli ended on 11 October 1980 and were set free. However, NAP was accused for having been involved in organised violence and A.Türkeş and members of the party were tried on a number of charges. NSP was accused of illegally subverting the secular nature of the Republic; massive trials were held but Erbakan was released on the condition of waiting trial.¹⁷²

While Demirel remained out of the political stage, waiting for the transition to civilian politics, Ecevit resigned from the chairmanship of RPP on October 30, 1980 and returned as the editor of " Arayış " ("Search"), writing articles full of criticisms for the military regime of 1980. In November 1981, he was sentenced to four months imprisonment under the decree issued on June 2, 1981, which stipulated that **" former politicians are forbidden to make any statements about the past or future political or legal system of Turkey "**.¹⁷³ Ecevit was rearrested twice in 1982 for statements he gave to various foreign newspapers and broadcasting organisations. Furthermore, a ban on the old political leaders re-entering politics was formally issued in October 1982, when Provisional Article 4 of the new Constitution stated that **" the chairmen, general secretaries and other senior office holders in the former political parties could not join or have any kind of relations with future political parties, or run for elections (even as independents) for the next ten years "**.¹⁷⁴

¹⁷²Metin Heper, (1985), pp. 134.

¹⁷³ William Hale, (1994), pp. 262.

¹⁷⁴Ibid., pp. 260.

The military was also supersensitive on the issue of politicisation of the bureaucratic intelligentsia. Having in mind the creation of a bureaucracy carrying the double features of a machine body and the Weberian legal-rational character, a close hierarchical control of the body was attained through the establishment of a High Board of Supervision, affiliated to the office of the President.¹⁷⁵ From September 1980 to September 1981 a total of 18,000 civil servants were either taken into custody, or formally arrested, or convicted. Also, there were signs that large-scale purges were in prospect for civil bureaucrats, whose previous appointments had been carrying political connotations.¹⁷⁶

The military also took action against the Council of State. Constraints were not only imposed on the general jurisdiction of the Council- an appeal could no longer be made to the Council of State against decrees signed by three ministers or more- but also on its internal autonomy, by the empowerment of the President to appoint all the important members of the Council.¹⁷⁷

The Higher Education Council (Yüksek Öğretim Kurulu), set up on 6 November 1981, was an attempt by the military to control and restrict the autonomy of the universities, which had been the most politically activated sectors of Turkish society during the 1970s.¹⁷⁸ Both students and staff of universities were forbidden to join political parties. The Council was also the supervisor of the administration of the universities, including such areas as staffing and admissions. In 1982 about three

¹⁷⁵Metin Heper, (1985), pp. 139.

¹⁷⁶Ibid., pp. 138.

¹⁷⁷Ibid., pp. 138.

¹⁷⁸C. H. Dodd, (1983), pp. 48-49.

hundred academics were dismissed ; the wave of dismissals continued also in 1983, but their justification was hard to be made.¹⁷⁹

Other measures taken by the military were the constraint of the mass media and the censorship imposed on them; the 24 January economic package was put into effect with Turgut Ozal as its leading figure; and a series of trials had begun for the leaders and the members of such organisations as the Dev-Sol, TOB-DER, Dev-Yol, the Turkish Workers and Peasants Party, and the Apoists.¹⁸⁰

In 1981, the military appointed a Consultative Assembly for devising a new constitution and a new electoral law. In a referendum, held in November 1982, the new document was submitted to the people with a compulsory participation, which resulted in its approval by an overwhelming 91 percent. The new electoral law aimed at the creation of new political parties, which will prepare the path for a smooth transition to civilian politics once more.

E. THE 1982 CONSTITUTION

When the military intervened on 12 September 1980, there were no plans for an indefinite period of rule. The aim of the military was to replace the malfunctioning democracy of the pre-1980 period with a completely new democratic system, which would leave no space for bad politicians and for the degeneration of the political system. As in previous military interventions, there was the belief that crisis situation of the past

¹⁷⁹Ibid., pp. 49.

¹⁸⁰C. H. Dodd, (1983) , pp. 46-47.

was the combination of the inability of the politicians and the inadequacy of the Constitution. Thus, there was again the minimisation of a problematic situation on the legal level and the effort to find the remedy with the construction of a completely new constitution. This would be the guarantee for the withdrawal of the military from the political scene of the country.

On 30 June 1981 a Constituent Assembly was established, having the responsibilities of preparing a new constitution, electoral law, and political parties law, as well as to perform normal legislative functions such as making, amending or repealing laws.¹⁸¹ This Assembly consisted of two bodies: the Consultative Assembly (convened in October 1981) and the National Security Council. The Consultative Assembly shared legislative powers with the NSC, but the NSC had the final say in the making of the Constitution, as well as the rejection or amendment of other legislative bills passed by the Consultative Assembly.¹⁸²

The context within which the new constitution was prepared, including such dimensions as the dynamics of the constitution, the form of its preparation and its sources, is a good point of departure for analysing the military's notion of democracy and the system that they wished to establish for the good of the nation.

If the making of a democratic constitution necessitates the existence of a liberal and pluralistic society and the regime of public opinion, the free activation of political parties, an elected Constituent

¹⁸¹Ergun Özbudun, (1987), pp. 31.

¹⁸²Ibid., pp. 31; William Hale, (1994), pp. 256; Kenan Evren, Kenan Evren'in Anıları ,(İstanbul, Milliyet Yayınları, 1991), Cilt: 2, pp. 358-359.

Assembly which will reflect the free will of a liberal and pluralistic society, and the approval of the constitution by a referendum, the making of the 1982 Constitution had been implemented in a completely different context.¹⁸³

After the 1980 military intervention, the parliament and the government were dissolved; political parties were abolished; and the NSC took the responsibility of ruling the country. The 160 members of the Consultative Assembly were directly or indirectly chosen by the NSC. Although this assembly would prepare the draft of the new Constitution, the final version of it would be approved by the NSC. The constitution was ratified by a popular vote in a referendum, while the NSC still governed the country. Therefore, the preparation and approval of the 1982 Constitution had been implemented in a political environment far beyond any notion of democracy.

Furthermore, the Consultative and Constituent Assembly had no relation with the legal notion of "being an assembly". The members of the Consultative Assembly had not been elected by the people, but rather chosen by the NSC or nominated by governors, who had themselves been appointed by the military. Therefore, whether the Consultative Assembly is the "legitimate representative of the Turkish nation"- as stipulated in the preamble of the Constitution-, or not is a good question to be asked.

Also, whether the Consultative Assembly is the representative of the Turkish nation, or not, can be approached by analysing its social, ideological, political and class composition. Bülent Tanör characterised the

¹⁸³Bülent Tanör, (1994), pp. 99-100.

Consultative Assembly as being "...a body with no affiliation to political parties and organisations; and a club or political body of some old, conservative and very atomised intellectuals with no relation to the House of Representatives of 1960-61...".¹⁸⁴ It was not only the abolishment of the political parties that made impossible any relationship of the Assembly with parties; the Assembly had also no representatives coming from the media, the universities, trade unions, associations, etc. The members were old-aged and with high educational background; an important barrier for the representation of the young or the working classes. Thus, the connotation of being " the legitimate representatives of the Turkish nation " is rather problematic.

The military had also forbidden any discussions concerning the new constitution during the period of its preparation, under the fear that this would be a way of influencing the people before the referendum. However, the military continued this prohibition of discussions even during the period of the presentation of the new constitution in the media and the visits of K.Evren in various parts of the country. This was certainly not a very democratic environment for a " democratic " constitution.¹⁸⁵

The referendum of 7 November 1982 and the affirmative votes of over % 91 of the voting electorate is another point for discussion. The NSC had made no announcements concerning the date of the general elections or what would have been done if the constitution had not been ratified by the people. Thus, the high votes of the referendum can be

¹⁸⁴Ibid., pp. 104.

¹⁸⁵Ibid., pp. 107.

explained as the reaction of the electorate to the uncertainty of the NSC and the expectation to an early return to civilian politics.¹⁸⁶

According to the Provisional Article 1, "...on the proclamation, under lawful procedure, of the adoption by referendum of the Constitution as the Constitution of the Republic of Turkey, the Chairman of the Council of National Security and Head of State at the time of the referendum, shall assume the title of the President of the Republic and shall exercise the constitutional powers and functions of the President of the Republic for a period of seven years....". Also, the electorate's participation to the referendum had been guaranteed and became an obligation under the punishments stipulated in the Provisional Article 16. Therefore, the high percentage of the electorate's vote was the result of a confusion on the votes of the referendum and the plebiscite votes. Bülent Tanör argues that "...the Constitution was the prestige of K.Evren, and the will of the people for a transition to civilian politics - whatever the price for this would be - was a very possible reason for providing Evren a high percentage of votes...".¹⁸⁷

The paradox of preparing a " democratic " constitution under non-democratic conditions can also be observed in the analysis of the sources used in the implementation of the new text. These sources can be put into three categories: first, the 1961 Constitution under the form of the 1971-73 constitutional amendments; second, the laws passed by the NSC ; and third, the European Human Rights Agreement (Avrupa İnsan Hakları Sözleşmesi). What was a critical point in the formation of a " democratic "

¹⁸⁶Ibid., pp. 105-106.

¹⁸⁷Ibid., pp. 106.

constitution was the fact that the laws passed by the NSC were infiltrated in the new text as constitutional articles, concerning important areas of the Turkish political life. Also, the formulation of the new constitution and the various laws concerning the structure of the future political life had been implemented under the supervision of the NSC, without waiting the transition to civilian politics. Furthermore, in order to guarantee the products of their intervention-that is to say,. the structure of a democratic political system a-la military- Provisional Article 15 stipulated that **"....no allegation of unconstitutionality shall be made in respect of decisions or measures taken under laws or decrees having force of law enacted during this period or under Act No: 2324 on the Constitutional Order..."**.

What I tried to do with the analysis of the context of the preparation of the 1982 Constitution is to show that the connotation of being " democratic " is connected not only with the content of a constitution, but also with the general dynamics during the preparation of the text. If the military tried to formulate a " democratic " constitution under undemocratic conditions, the content of this text surely reflects this paradoxical situation. In other words, the notion of democracy for the military in 1980 had a special essence; an essence that may be contradictory with what civilians of all kind think of democracy. Actually, I argue that 1982 Constitution was the expression of the military's historical background of state elitism and their obsession with the concept of " rationalist democracy " : a democracy under the leadership of the state elites who would prepare the people's elevation to the standards of Western Civilisation.

The makers of the 1982 Constitution reacted to the excessive permissiveness of the 1961 Constitution and its excessive limitations on the exercise of the executive authority, which were supposed to be the blamers for the crisis situation of the 1970s.¹⁸⁸ In order to prevent a future erosion of the state authority, the framers aimed at the creation of a "strong state and a strong executive".

Another major feature of the 1982 Constitution is its provision for a relatively long period of transition to complete normalcy.¹⁸⁹ Provisional Article 9 stipulates that "...Within a period of six years following the formation of the Bureau of the Grand National Assembly of Turkey which is to convene after the first general elections, the President of the Republic may refer to the Grand National Assembly of Turkey for further consideration any Constitutional amendments adopted by the Assembly. In this case the re-submission of the Constitutional amendment draft in its unchanged form to the President of the Republic by the GNA of Turkey, is only possible with a three fourths majority of the votes of the total number of members." Actually, this was nothing but the expression of the fact that the military had come as real professionals and were very careful not to repeat the mistakes of their counterparts in the past; a transition to civilian politics would be under their control until they were sure that their expectations for the future had taken the form of reality.

Their aim for a complete new political system was further reinforced by the ban imposed on the political activities of the former

¹⁸⁸Ergun Özbudun, (1987), pp. 32.

¹⁸⁹Ibid., pp. 33.

" malfunctioning " politicians.¹⁹⁰ According to the Provisional Article 4, there was the imposition of two different kind of bans on the political activities of members of the executive branch of political parties, deputies and senators , for a period of five to ten years. The abolition of all pre-1980 political parties, the new Political Parties Law and the new Electoral Law were some of the guarantees for the prevention of the malfunctioning democracy of the 1970s.

As the 1982 Constitution is the reaction to the 1961 Constitution- the constitutional tradition of Turkey- , the new constitution was much longer than the 1961 one. There were 177 articles and 16 provisional articles, while the 1961 Constitution consisted of 157 articles and 11 transitional articles. Every article of the 1982 Constitution was longer than the articles of the 1961 Constitution. Therefore, the 1982 Constitution has a more legalistic (kanuncu) character than the 1961 Constitution: the framers of the new constitution believed, as in the past, that every political and social problem has a legal solution and remedy.¹⁹¹ However, the obsession of the makers of the constitution in trying to formulate every area of the social and political life in its smallest detail was a disadvantage of both the 1961 and 1982 Constitution. It was obvious that both framers of the constitutions had forgotten the dimension of social change and the danger of the constitution to fall in a situation where adaptability with the current wave would be impossible. As Ergun Özbudun points out : "...A very detailed and strict constitution, which aims at a

¹⁹⁰Ergun Özbudun, (1993), pp. 38.

¹⁹¹Ibid., pp. 36.

stable political system, faces the danger of continuous criticisms that may lead to political instability...".¹⁹²

The 1982 Constitution was very strict in character; actually this specific feature was much more profound than in the 1961 Constitution. Provisions stipulating the impossibility of change of the Constitution and the number of decrees and statutes that cannot be changed has increased. Also, the President has the power to submit proposed constitutional amendments to popular referendum (Art. 104). The provisional articles 9 (during the six-year transitional period, the right of the President to veto constitutional amendments passed by the TGNA, in which case the Assembly can override the veto only by a three-fourths majority of its full membership) and 15 (no allegation of unconstitutionality for the decrees having the force of law passed by the NSC) were also examples of the strict character of the 1982 Constitution.¹⁹³

As a reaction to the excessive limitations imposed on the executive power in the 1961 Constitution, the 1982 Constitution created a strong executive. The 1961 Constitution had stipulated that the executive is a function of the state within the legal context of the country. However, Art. 8 of the 1982 Constitution states that " **executive power and function shall be carried out by the President of the Republic and the Council of Ministers in conformity with the Constitution and the laws.**".

If the 1961 Constitution declared the supremacy of the Constitution and the independence of the judiciary, the 1982 Constitution was for the Supremacy of the executive and the loosening of the legislature.

¹⁹²Ibid., pp. 36.

¹⁹³Ibid., pp. 37.

Thus, the executive's "regulative power" (yürütme organının düzenleme yetkisi) further empowered the executive to issue "law-amending ordinances" (kanun-hükmünde kararname)¹⁹⁴. According to Art. 91 "...the Grand National Assembly of Turkey may empower the Council of Ministers to issue decrees having force of law. The fundamental rights, individuals rights and duties included in the First and Second Part of the Constitution and the political rights and duties listed in the Fourth Chapter, cannot be regulated by degrees having force of law except during periods of martial law and states of emergency....". Art. 92 also expresses the increased empowerment of the executive- especially the President- while it stipulates that "...If the country is subjected, while the Grand National Assembly of Turkey is adjourned or in recess, to sudden armed aggression and thus it becomes imperative to decide immediately on the use of armed forces, the President of the Republic can decide on the use of the Turkish Armed Forces..".

Another point which shows the strengthening of the executive and the loosening of the legislature is the power of the President to call new elections for the Turkish Grand National Assembly (art. 116). Actually, the detailed list of powers of the President of the Republic in Art. 104- especially the part relating to the legislation (Art. 104/a)- is nothing else but the strengthening of the executive in the cost of the decreasing powers of the legislature. However, this strengthening is based on a delicate balance between the President and Council of Ministers. Although the President is empowered with an impressive list of powers, the President can exercise

¹⁹⁴Ergun Özbudun, (1987), pp. 54.

them only upon the proposals or prior action of the Prime Minister alone or with the ministers concerned. The acts of the President alone are excluded from judicial review, including the Constitutional Court's review.¹⁹⁵

Some of the powers of the President of the Republic are : appointing the members of the Constitutional Court, one-fourth of the members of the Council of State, the Chief Public Prosecutor of the Court of Cassation and his deputy, the members of the Supreme Military Administrative Court , the Military Court of Cassation and the members of the Supreme Council of Judges and Public Prosecutors (Art. 104/c).

Also, the President appoints the Prime Minister and accepts his resignation; appoints and dismisses other ministers on the proposal of the Prime Minister; represents the office of the Commander-in-Chief of the Turkish armed forces on behalf of the TGNA; signs governmental decrees; calls the NSC to meeting and presides over it; proclaims martial law or a state of emergency in collaboration with the Council of Ministers which meets under his chairmanship; appoints the chairman and the members of the State Supervisory Council and instructs it to carry out investigations and inspections (Art. 104/ b).

The strengthening of the executive can also be seen from the perspective of centralisation¹⁹⁶. The establishment of the Higher Education Council (YÖK) in 1981 was an important factor in the abolishment of the universities' autonomy, which had been restricted by the 1971-73 amendments. The elimination of the administrative autonomy of the universities is stipulated in Art. 130, where it is stated that the President

¹⁹⁵Ibid., pp. 51.

¹⁹⁶Bülent Tanör, (1994), pp. 121.

appoints the university rectors, and the Higher Education Council appoints the faculty deans, "in accordance with the procedures and provisions of the law."

Centralisation was also reinforced by the increased administrative trusteeship of the central administration over the local governments (Art. 127).

Another important departure from the 1961 Constitution is the loosening of power of the judiciary in the 1982 Constitution. The independence of the judiciary had been affected in a serious degree by the powers of the President pertaining the judicial function. According to Art. 104/c , the President appoints the members of the most important judicial organs of the country. The President of the Supreme Council of Judges and Public Prosecutors is the Minister of Justice (Art. 159). Judges and public prosecutors were united under the same status (Art. 139, 140) and were both responsible to the same ministry, as far as their administrative duties are concerned.¹⁹⁷

Judicial review had also showed a loosening of power. According to Article 125, "...The acts of the President of the republic in his own competence and the decisions of the Supreme Military Council are outside the scope of judicial review. Judicial power is limited to the verification of the conformity of the actions and acts of the administration with law. No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the forms and principles

¹⁹⁷Ibid., pp. 117.

prescribed by law, which has the quality of an administrative action and act, or which removes discretionary powers."

Furthermore, the loosening of judicial review was also present in the suits of unconstitutionality. Law-amending ordinances issued during periods of martial law or state of emergency are outside the scope of the review of constitutionality by the Constitutional Court(Arts. 91, 121, 122, 148). According to Provisional Article 15 , no allegation of unconstitutionality could be made in respect of decisions or measures taken under laws or decrees having force of law enacted during the rule of the NSC. Certain limitations were imposed upon the Constitutional Court, as Art. 153/2 stipulates that **"...in the course of annulling the whole or a provision of laws or decrees having force of law, the Constitutional Court shall not act as a law-maker and pass judgement leading to new implementation."** The Constitutional Court cannot also review a constitutional amendment on substantive grounds (Art. 150).

The loosening of the judiciary was also evident by the provisions concerning the ability of the other courts. Therefore, according to Art. 152/4 **"...no allegation of unconstitutionality shall be made with regard to the same legal provision until ten years elapse after the publication in the Official Gazette of the decision of the Constitutional Court dismissing the application on its merits "**. In addition, principal proceedings (iptal davası) could not be instituted by the Military Court of Cassation, the Council of State, the Court of Cassation, the Supreme Court of Judges and the universities¹⁹⁸. In the 1982 Constitution, principal proceedings could be

¹⁹⁸Ibid., pp. 118.

instituted by the President, parliamentary groups of the government party and the main opposition party, or at least one-fifth of the full membership of the Assembly (Art. 150). According to Art. 151, suits of unconstitutionality must be initiated within sixty days following the promulgation of the law in the official Gazette.¹⁹⁹

Another important area of analysis in the 1982 Constitution would be the relationship between the civilian powers and the military and how it is stipulated in the Constitution. The fact that the military had intervened for a short period of time and a transition to civilian politics was going to be implemented, the military had to provide some guarantees for its autonomy or even its future influence in the political scene, as the 1960 military had started this tradition of exit guarantees.

The first important area of analysis is the status of the National Security Council. According to Art. 118, the NSC is a mixed body of civilians and politicians; it is composed of the Prime Minister, the Chief of the General Staff, the Minister of Defence, Internal Affairs, and Foreign Affairs, the Commanders of the Army, Navy, and the Air Force and the General Commander of the Gendarmerie, under the chairmanship of the President of the Republic. In the 1961 Constitution, the appointment of the civilians in the NSC were under the jurisdiction of the judiciary; therefore, the civilian were a numerical majority.²⁰⁰ The numerical equality between the military and the civilians in the NSC under the 1982 Constitution actually covered in a delicate way the numerical majority of the military, since the President used to have a military background.

¹⁹⁹Ergun Özbudun, (1987), pp. 58.

²⁰⁰Bülent Tanör, (1994), pp. 122.

As the same article states, " ...The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary co-ordination with regard to the formulation, establishment and implementation of the National Security policy of the State. The Council of Ministers shall give priority consideration to the decisions of the NSC concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society...". The second important difference between the 1961 and 1982 Constitution lay on the function of the NSC. In the 1961 Constitution, the NSC provided advice to the Council of Ministers; after the 1971-73 amendments, the same body provided recommendations; finally, their powers were increased in the 1982 Constitution, where the Council of Ministers should give priority consideration to the decisions of the NSC.

The notion of " national security " was also broadened; it was not only the preservation of the integrity and indivisibility of the country, but also the internal peace and security of the society . Thus, the military had broadened its sphere of influence in a considerable degree.

Under the new Constitution, the declaration of martial law had been much easier than in the 1961 Constitution. Decrees having the force of law issued during the period of martial law are kept out of the allegation of unconstitutionality (Prov. Art. 15). Also the Commanders of Martial Law exercise their duties under the authority of the Office of the Chief of the General Staff (Art. 122), while in the 1961 Constitution were under

the authority of the Prime Minister. This was an important gain for the preservation of the autonomy of the military.

Another important innovation of the 1982 Constitution, which played a crucial role in the structure of the relationship of civilians and the military, was the power given to the President to decide to use the Turkish Armed Forces (Art. 104/b). According to Art. 92, **"....if the country is subjected, while the TGNA is adjourned or in recess, to sudden armed aggression,....the President can decide to use the Armed Forces..."**. The importance of this power lies on the fact that one of the minimal qualifications needed for the nomination of a candidate for the Presidency was indirectly implied to be the military background of the candidate. Bülent Tanör further argues that the impressive lists of powers of the President in the 1982 could have been deliberately introduced by the military, having in mind that all (except one) Presidents had a military background; the abolishment of the Senate had created a space which was possible to be occupied by a candidate not only within the TGNA, but also from outside the Parliament; or, according to the provision of a nomination from outside the parliament, the Chief of General Staff could be planned to be a candidate for the Presidency.²⁰¹

In addition to all these, the transitional period of six years under the supervision of the NSC , the veto power of the President for unchanged proposals of constitutional amendments with the requirement of at least three-fourth of the full membership of the Assembly (Prov. Art. 9) were important factors that made possible to believe not only to the

²⁰¹Ibid., pp. 124.

supremacy of the State and the Executive, but also to the shift of balance towards the part of the military in their relations to the civilian power of the country in the future.

Another problematic area of the 1982 Constitution, which had been under the burden of high criticisms, is the provisions concerning human rights and liberties. Being a reaction to the excessive permissiveness of the 1961 Constitution, the 1982 Constitution recognises all basic human rights commonly found in liberal democratic constitutions on the basis of being more restrictive on the manner which these rights are regulated. However, the numerous and explicitly stated circumstances of restrictions create a situation of confusion and uncertainty.

According to Art. 13, "...Fundamental rights and freedoms may be restricted by law, in conformity with the letter and spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State with its territory and nation, national sovereignty, the Republic, national security, public order, general peace, the public interest, public morals and public health.....General and specific grounds for restrictions of fundamental rights and freedoms shall not conflict with the requirements of the democratic order of society and shall not be imposed for any purpose other than those for which they are prescribed..". As we can see, the restriction area had been kept very wide and unspecified. In addition to this, the fundamental principle of the 1961 Constitution that " no law shall infringe upon the " essence" of any right or liberty " has been dropped. Thus, the strict and hard-line character of the Constitution was reinforced.

A very problematic and confusing area of Constitutional Law, concerning the protection and restrictions imposed on fundamental rights and liberties, is the relationship between Art. 121, 122, 15 and 148. According to Art. 15, "... In times of war, mobilisation, martial law, or state of emergency, the exercise of fundamental rights and freedoms can be partially or entirely suspended, or measure may be taken, to the extent required by the exigencies of the situation, which derogate the guarantees embodied in the Constitution, provided that obligations under international law are not violated. Even under the circumstances indicated above, the individual's right to life, and the integrity of his material and spiritual entity shall be inviolable except where death occurs through lawful acts of warfare and execution of death sentences; no one may be compelled to reveal his religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties may not be retroactive, nor may anyone be held guilty until so proven by a court judgement ". Beside a broad restriction imposed on fundamental rights and liberties under martial law or state of emergency, the Constitution clearly states in the same article the inviolability of a core area of human rights . However, this inviolability may be restricted²⁰² in fundamental ways under Art. 148, which stipulates that "...no action shall be brought before the Constitutional Court alleging the unconstitutionality as to the form or substance of degrees having force of law, issued during a state of emergency, martial law, or in time of law...". Article 121 and 122 state that any restrictions imposed on fundamental rights and freedoms in a state of emergency or martial law shall be regulated

²⁰²Ergun Özbudun, (1987), pp. 38.

by law. However, the discretionary powers given to the legislature in both articles are limited under Art. 15/1.²⁰³

Another major field of criticism arose from a number of new laws enacted by the military regime. The Trades Union Law, and the Law on Collective Labour Agreements, Strikes and Lockouts, both issued in March 1983, were difficult to be reconcile with a democratic political system. The ban on the political activities of the unions and the declaration of strikes with " political objectives " as illegal were both the expression of the military's opposition to anything affiliating to Marxism and reflected the " solidarist vision of the state ".²⁰⁴

The broad and unspecified restrictions imposed upon fundamental rights and liberties could be best understood in the light of understanding the notion of liberal democracy and human rights and liberties as presented in the Preamble of the Constitution. Human rights are understood and exercised in the way that they are " set forth in the Constitution, in conformity with the requirements of equality and social justice", but they are " sculptured " in harmony with the will of the military for a rationalist democracy and a completely new basis for Turkish society. The global project of the 1982 Constitution involves "...the recognition of the absolute supremacy of the will of the nation, and of the fact that sovereignty is vested fully and unconditionally in the Turkish Nation and that no individual or body empowered to exercise it on behalf of the nation shall deviate from democracy based on freedom, as set forth in the Constitution and the rule of law instituted according to its

²⁰³Ibid., pp. 37.

²⁰⁴William Hale, (1994), pp. 259.

requirements..."(Preamble/ 3rd paragraph). Also, special emphasis is given to such concepts as national culture, Turkish historical and moral values, nationalism, reforms and modernism of Ataturk, secularism, civilisation, equality, social justice, rule of law which actually serve in the structure of a subjective view of nation: **"...the recognition that all Turkish citizens are united in national honour and pride, in national joy and grief, in their rights and duties towards their existence as a nation, in blessings and in burdens, and in every manifestation of the national life, and that they have the right to demand a peaceful life based on absolute respect for one another's rights and freedoms, mutual love and fellowship, and the desire for, and belief in, " Peace at home, peace in the world.."** (Preamble/ last paragraph). Therefore, the fundamental rights and freedoms of individuals were made the indispensable elements of a global projection of the Turkish nation and State, where the preservation of the integrity and indispensability of the nation and the protection of the autonomy of the State had been the most fundamental prerequisite for the exercise and sometimes, excessive restriction of fundamental rights and freedoms.

However, whether the 1982 Constitution was a " democratic " constitution prepared under undemocratic conditions or not, there were some important improvements, worth to be mentioned. First, the abolishment of the Senate introduced unicameralism , with the 400 members of the Grand National Assembly, having an increased term of five years. Second, under Article 116, the President was given the power to call for new elections if the government lost a vote of confidence, and no accepted successor could be formed within forty-five days. This would

possibly avoid the chaotic situation of the past, in which the Assembly frequently voted a government out of office but could not then agree to vote for early elections. The system of electing a President was also altered; the term office was for seven years and there could not be re-election. This was a measure which would probably altered the presidential election crisis of the past.

The elections of 1983 were a turning point in the civilian-army relations. With three competing political parties in the scene- the MP of T.Özal being opposed by the military and the Nationalist Democracy Party being strongly and even personally supported by the President- the formation of a majority government of 211 seats out of 400 by the MP was the point of departure for a new era of civilian politics and of the role of the military in Turkish politics.

F. BUREAUCRATIC AUTHORITARIANISM

The emergence in the 1960s and 1970s of a wave of military interventions in the most advanced and prosperous states of Latin America was a phenomenon which introduced considerable debate, challenging received ideas and the birth to fresh theoretical perspectives. This particular resurgence of military regimes in Latin America came to challenge the earlier hypothesis of the developmental literature that suggested a positive association between socio-economic modernisation and democracy.

An attempt to understand and analyse the new form of authoritarianism in Latin America- especially the military governments of

Brazil (1964) and Argentina (1966)- was made by the Argentine political scientist Guillermo O'Donnell with his work **Modernisation and Bureaucratic Authoritarianism** (1973). By offering an economic explanation, he identified the roots of bureaucratic authoritarianism in the exhaustion of the program of " **Import Substitution Industrialisation** " and the severe economic and political crises following.

To some extent, Turkey shows some resemblance to Latin America. In the late 1970s Turkey had fallen victim to a combination of political and economic crises. The September 12, 1980 military intervention had come to power under strikingly similar conditions to those experienced by Brazil in 1964, by Argentina in 1966 and 1976, and by Chile and Uruguay in 1973. The implementation of the bureaucratic authoritarian state was coupled with the intention of the military to stay in power for some time longer and to introduce fundamental changes coupled with the use of violence.

O'Donnell pointed out that the populist coalitions of the 1930s in both Brazil and Argentina had concentrated their economic policies and developmental programs on " **Import-Substitution Industrialisation** " . These coalitions seemed to be successful in both countries as high levels of industrialisation were achieved, with a consequence of high profits for both the industrialists and the urban working class. However, an eventual economic stagnation is inherent in ISI. After the exhaustion of the easy stage of ISI , a crisis situation was evident in those countries. Rising inflation and balance-of-payments difficulties undermined the economic gains made by the urban middle and working classes, and hence, it eroded

the viability of the populist coalitions on which these regimes were based. Attributing the crisis to the threat of political activation within the popular sectors (which continued to press for improvements in their living standards), technocrats in both countries encouraged and supported military coups.

The new regimes, rather than attempting to reincorporate the popular sectors, moved to exclude and deactivate them by instituting a repressive brand of authoritarianism and to reorient the political economy according to technocratic conceptions of economic growth. These conceptions included a deepening of industrialisation through the domestic manufacture of consumer durables and intermediate and capital goods, which required larger, more efficient, and highly capitalised enterprises- often the affiliates of multinational corporations.

In Turkey, ISI was a policy activated in the 1950s and earlier. The economic policy was not for the internationalisation of the market, but for high protection through such measures as quotas for imports, state control and, investment incentives. The concentration on production for the domestic market gave to the populist governments the support of the industrialists and the urban poor. The oil shock of 1973, however, caused a foreign exchange crisis in Turkey. The end of both the ISI and the populist coalitions was obvious. The necessary move was a trend towards internationalisation and an export-oriented market. This move was made by the military on 12 September 1980. The Turkish army had come to provide for a remedy to the " **bad job of the politicians** " : a political paralysis characterised by violence in the streets, terrorism, polarisation,

fragmentation and degeneration of the whole political system; and an economic crisis, manifested itself in high inflation rates, balance-of-payment difficulties, and shortages of foreign currency and basic goods.²⁰⁵

According to Guillermo O'Donnell, the BA is a type of authoritarian state, whose principal characteristics are:²⁰⁶

1. It is the aspect of global society that guarantees and organises the domination exercised through a class structure subordinated to the upper fractions of a highly oligopolised and transnationalised bourgeoisie.
2. It corresponds to and promotes an increasing transnationalisation of production.
3. Its institutions comprise organisations in which specialists in coercion as well as those whose aim is to achieve the "normalisation" of the economy have a decisive weight.
4. It suppresses the institutions of popular democracy, and closes democratic channels to access to government. It involves closing the channels for the representation of the popular and working interests. Access is limited to those who stand at the apex of the large organisations, especially the armed forces, large enterprises, and certain segments of the state's civil bureaucracy.
5. It endeavours to depoliticise social issues by dealing with them in terms of the supposedly neutral and objective criteria of technical rationality.
6. The BA is based on the suppression of two fundamental mediations between state and society: citizenship and pueblo. The suppression of the

²⁰⁵Henri Barkey (a), "Why Military Regimes Fail: The Perils to Transition", in Armed Forces and Society, 16:2, Winter 1990, pp. 177.

²⁰⁶Guillermo O'Donnell, Bureaucratic Authoritarianism :Argentina, 1966-1973, in Comparative Perspective, (Berkeley, Los Angeles , London: University of California Press, 1988), pp. 31-32.

institutional roles and channels of access to the government characteristic of political democracy is aimed at the elimination of the roles (pueblo) and organisations (political parties among them) that once served as channels for the appeals for substantive justice.

7. It is a system of political exclusion of a previously activated popular sector, which is subjected to strict controls designed to eliminate its earlier presence in the political arena. This is achieved by coercion, as well as by the destruction or strict governmental control of the resources (especially those embodied in class organisations and political parties or movements) that sustained this activation. Such exclusion is guided by the determination to impose order on society and to ensure its future viability....".

Therefore, the military in both Latin America and Turkey took the role of the " guardian " of the national interest in quite similar conditions. As both regimes accused the " bad job of the politicians " , the bureaucratic authoritarianism in Turkey and Latin America followed an oppressive and exclusionist program. The restoration of the order in those countries might have different character in the way the policies for achieving their aim were planned. But these differences did not erase the trademark of the BA state in none of them.

However, some fundamental differences can be identified. Unlike the case of Argentina, while the military in power excluded their opponents from the political stage, human rights violations in Turkey did not reach the level of any Latin American case. Also, the Turkish army had to perform an internal as well as external role. Being an ally to NATO and other international organisations, and having a problematic relationship

with her neighbours was a catalyst for moderating the army's behaviour.²⁰⁷ This was actually an influential factor for the short duration of the military regime in Turkey, while in Latin America the army had come for a much longer period of time.

Although the Turkish military followed the exclusionist political program of deactivating the popular sectors of the Turkish society and making fundamental changes in the formation of a new Constitution, the economic policies of the military did not fit much to the BA model of O'Donnell. The economics of the new order set out to continue the January 24, 1980 economic liberalisation program of the last civilian government of Demirel. The father of the radical and far-reaching economic program-Turgut Özal- was appointed to the cabinet; he was actually the only pre-1980 governmental member and technocrat to be retained in the new regime. The January 24, 1980 economic package was the shift from the ISI policies to a more dynamic and open system. The export-orientation of the new regime did quite well in such areas as foreign trade, export performance and the GDP.

However, there was a high cost for this. As Barkey writes: "...this transformation has exacted a price; it has come at the expense of further indebtedness and consistently declining real wage rates. The Turkish foreign debt increased by 2.5 times since 1980. Even more alarming for Turkey had been the changing nature of the foreign debt as short-term debt, which had been reduced from 25 percent of the total in 1979, to 15 percent in 1980, and then to 10 percent in 1982, starting to rise

²⁰⁷Henri Barkey, (1990a), pp. 177.

in 1984 and reaching almost 23 percent in 1987. In the long run, and especially in view of the problems faced by the large debtor nations of Latin America, the over-dependence on short term financing can potentially lead to crises of confidence, crises characteristic of the 1970s. Moreover, the decline in real wages since 1979- by almost 30 to 50 percent for private and public sectors employees- had not been accompanied by significant improvements in the unemployment picture...".²⁰⁸

Therefore, rather than following the deepening policy- as expected from O'Donnell- Turkey did not give any priority and did not materialise this policy at all. Rather than putting emphasis in the vertical integration of the industrial sector through an increase in state and/or international capital investments in heavy industries²⁰⁹, they followed traditional orthodox economic remedies which mainly supported the export sector.

Although Turkey made an important move towards increasing the autonomy of the state for preventing crises, the deepening proposition was not implemented and the country's economy did a little step towards austerity; a step with important and dangerous implications for the future. If the bureaucratic authoritarian regimes came because of the exhaustion of the easy stage of ISI, and if they intended to follow different economic policies for establishing a new order, why didn't the military perform a line of success ? And why didn't the Turkish military implement the deepening proposition of O'Donnell, if this was the remedy to the economy of the

²⁰⁸Ibid., pp. 185-186.

²⁰⁹Ibid., pp 186.

country ? How necessary was the military intervention ? Was it an inevitable step after the exhaustion of ISI ?

Albert Hirschman raised the question of whether ISI's shortcomings are due to its inherent tendency towards exhaustion. Hirschman argues that ISI's exhaustion is not an inherent tendency of the policy in itself, but rather policies and policy makers were to be blamed for bringing the exhaustion of the ISI. For Hirschman, **"...a transition to greater economic orthodoxy- which may have eliminated the need for a BA coup- requires the action and the leadership on the part of either industrialists, who in the long run stand to benefit the most from the change, and/or state authorities..."**.²¹⁰ Therefore, the decline and exhaustion of import-substitution is the result of a complex political process.

Henri Barkey also points out that ISI fails for political and not economic reasons. For Barkey, the protectionist policies of ISI have a paradoxical outcome of both economy-wide distortions and " economic rents " (benefits) for those involved in the ISI. While it is necessary to eliminate these rents, the beneficiaries are not only reluctant to give them up, but are also determined to organise themselves for fighting in order to preserve and maximise them. Thus, **"...the state finds itself trapped among the different private sector groups vying for these economic rents, a fact that undermines its autonomy. As a result, it is unable to adjust its economic policies and resolve or even arrest distortions associated with import substitution. The state's contribution to ISI's decline is a consequence of its**

²¹⁰Quoting Albert Hirschman, " The Turn to Authoritarianism and the Search for Economic Determinants", in David Collier (ed.), The New Authoritarianism in Latin America (Princeton: Princeton University Press, 1979), pp. 73-74 , in Henri J. Barkey (b), The State and the Industrialisation Crisis in Turkey , (Boulder, San Francisco, Oxford: Westview Press, 1990).

inaction, which exacerbates the adverse conditions and indirectly prepares the ground for the armed forces to intervene...".²¹¹

Carlos Waisman argues that the relationship between capitalism and democracy is mediated by the strength of markets; that is to say, an institutionalised market economy is conducive to a stable liberal democracy, but autarkic economies (private ownership of the means of production), in a context of substantial restrictions on the operation of market mechanisms, is not.²¹²

Although the policy of autarkic industrialisation based on import substitution is initiated by an autonomous state, the institutionalisation of the policy generates a web of vested interests of a rent-seeking capitalist class, middle and working classes, whose survival depends on the maintenance of market restrictions.²¹³

The long-term result of autarkic, import-substitution industrialisation is the weakening and decline of economy, caused by the sharp economic fluctuations of balance of payments crises and low growth rates. However, the capitalist class increase their ability by institutionalising various privileges, such as high tariff and non tariff barriers, cheap credits from government banks, subsidised inputs, guaranteed demand through government contracts, export subsidies, and export markets assured by bilateral trade agreements.²¹⁴ This is the guarantor for high profits with low risks.

²¹¹Henri J. Barkey, (1990 b), pp. 23.

²¹²Carlos Waisman, " Capitalism, the Market and Democracy " , in American Behavioural Scientist , 35: 4 and 5, March/June 1992, pp. 503.

²¹³Ibid., pp. 505.

²¹⁴Ibid., pp. 506.

Another long-term outcome of autarkic ISI is illegitimacy caused by the stagnant economy and the organised mass mobilisation of the urban lower classes and the intelligentsia(students, frustrated professionals and intellectuals). Thus, declining economy and mass radicalism prepare the stage for a revolutionary situation- military rule, or in few cases, successful revolution.²¹⁵ This revolutionary situation is also the first path to the generation of a social structure more compatible with competitive capitalism, and even, perhaps to liberal democracy.²¹⁶

The Turkish case resembles what Waisman and Hirschman pointed out earlier. Private sector in Turkey depended on the policies of the state , from which economic rents were generated. Thus, there was the tendency of the private sector to influence policy choices. Moreover, private sector was divided in itself , around such policies as protectionism and ISI, foreign trade and exchange rate policy, banks and bank credits, direct foreign investments, and land and tax reform.²¹⁷ The fight for maximising economic rents gave rise to cleavages and conflict within the body of private sector and made it very difficult for this sector to escape from its short-term goals and guarantee long-term prosperity. Any notion of consensus between the various groups of the private sector had completely no affinity to the notion of cooperation. If opposition to devaluations and consensus on the issue of foreign exchange availabilities was the sign of a temporary demise of suspicion and hostility, obsession with rent maximisation never managed to escape from the acrimony of the private sector.²¹⁸

²¹⁵Ibid., pp. 506-507.

²¹⁶Ibid., pp. 514.

²¹⁷Henri Barkey, (1990 b), pp. 112.

²¹⁸Ibid., pp. 139.

Since rent maximisation was dependent on state policies, the private sector cleavages and the fragmentation of the Turkish party system, with the consequence of a proliferation of political parties representing different interests, played a crucial role in the affection and manipulation of state's autonomy. Increasing societal demands put the state under the pressure of implementing this excession, and rendered the state unable to implement the necessary orthodox policies for the dislocation of ISI.²¹⁹

Although the 1970 stabilisation measures had demonstrated that there was a remedy to the country's problems, the collapse of the economy in 1979 opened the path for the military to come as the guardian of the national interest and the state autonomy.

In open and competing political systems, political parties and other forms of representation of the differentiated societal interests constitutes a dangerous force , if the state is unable to preserve its autonomy. Therefore, the economic and political crises were attributed to the weak autonomy of the state which had been captured by the historical cleavage of centre vs. periphery, the state vs. political elites and the cultural and economic cleavages which prevented any form of compromise and responsibility either between the politicians or between different interest and pressure groups of the Turkish society.

Therefore, military intervention should be seen as the melting pot of economic, social and political crises, as well as the weakening of state's autonomy and its inability to impose orthodox and rational policies for preventing the polarisation, fragmentation and degeneration of the

²¹⁹Ibid., pp. 168.

system, the possible coup d'état, and the fragility and difficulty of a transition to civilian politics and a consolidation of democracy.

CONCLUSION

A. A COMPARATIVE ANALYSIS OF THE 1960 AND 1980 MILITARY INTERVENTIONS

The breakdown of democracy in Turkey and the periodic military interventions (1960,1971, 1980) should be first elaborated on the grounds of the nature of the military intervention and its relation to crisis situation. According to Stephan and Linz (1978)²²⁰, breakdowns are not inevitable consequences of socio-economic factors, but rather they are due to purely political factors. Breakdowns are associated with certain attitudes of elites; more precisely, breakdowns are the outcomes of a combination between the polarisation, fragmentation and degeneration of the system, and the failure of the state/ political elites to handle the crisis, before taking extreme forms.

Following this line of thinking, the crisis that opened the path to the 1960 military intervention could have been easily avoided ; as there was no large ideological gap between the RPP and the DP , the polarisation between the parties was only artificially maintained. The authoritarian measures of the DP had as their ultimate aim the prevention of the RPP from coming to power; this was consequently followed by reactions coming from the RPP; and finally, the tension between the two parties unfolded itself into a crisis situation. The concessions to religious groups, made by the DP , were another element of frustration for the statist and strongly

²²⁰Juan J. Linz and Alfred Stepan (eds.), The Breakdown of Democratic Regimes: Latin America , (Baltimore and London: The Johns Hopkins University Press, 1978).

secularist RPP. What ought to be the solution for this situation was the holding of free elections and the abolishment of the authoritarian measures of the DP rule. However, the political elites- represented by the DP- and the state elites - represented by the RPP- failed to reach an accommodation.

The 1980 coup d'état was again the result of a lack of accommodation between the elites . Increasing violence, terrorism, polarisation and the Kurdish problem had made the military felt more threatened and pressured by the obligation to save the state from this more serious crisis than that of the late 1950s. The cooperation of the RPP and the JP with the " semiloyal " oppositions of the NSP and the NAP had increased the levels of polarisation; an explosive system had been created where the anti-systemic parties were not only within the parliament, but also within the government. If a grand coalition between the RPP and the JP had happened- as it was the wish of the civil society institutions- the military would not perhaps have intervened. Therefore, it was again the inability of the party elites and the leadership of the parties to prevent the situation of the crisis and violence that opened the path to a military coup.

In the light of both military interventions in 1960 and 1980 regime vulnerability and military coups should be understood with their linkages to a web of explanatory paths which incorporate such " themes " as historical and cultural legacies, the failure of democracy , political vacuums and low political culture, and the inability of the state to preserve its autonomy.²²¹

²²¹William Thompson, " Regime Vulnerability and the Military Coup ", in Comparative Politics , 7: July 1975, pp. 459-487.

Therefore, in both military interventions , the army came into the political stage with a historical heritage rooted back in the Ottoman times. The Turkish military have always considered themselves as an elite group; that is to say, a highly educated and organised social group moving into the higher spectrums of the Turkish history. Furthermore, they carry the qualities of honour, honesty, bravery, altruism, uniformity, and neutrality. People respect the military because they are the ones who put their lives in danger for protecting the whole nation from internal and external threats. Thus, they enjoy a high esteem in the eyes of the people. The military also tries to present themselves as the supporters of the Atatürk's world view and conception of democracy: the rationalist democracy. This was a model combining elitism and democratic principles. It was actually the dream of Atatürk to upraise political democracy in the long run by turning power to the people who had achieved the elevation to the higher levels of the contemporary Western civilisation and rationality. Therefore, each military intervention was justified by the army as the effort to restore a malfunctioning democracy , or to lead people again to the path of reason and democracy as they were the ones who possessed the quality of high rationality.

During the process of transition to civilian politics, both military regimes tried to preserve their autonomy and to gain a path of influence on the new civilian political system. Therefore, they looked for the creation of some " exit guarantees " ²²² which would be institutionalised in the Constitution.

²²²Samuel Huntington, *The Third Wave: Democratisation in the Late Twentieth Century* , (Norman and London: University of Oklahoma Press, 1993), pp. 215- 217.

However, there were also important differences between the two military interventions. The 1960 coup had been made by middle-rank officers while the 1980 coup was a hierarchical and from the above movement which incorporated all top-ranking officers. The army in the 1980s had learned from the past that the 1960 coup had malfunctioned as the higher ranks had not accepted the orders of the lower ranks.

According to the classification provided by Nordlinger, the 1960 coup was a guardian type of regime with the conservative goals of preserving the status quo, maintaining the balance of power among the contending groups, enforcing the political and constitutional ground rules, staving off practically any kind of important change in the distribution of economic rewards, and ensuring political order and governmental stability. Therefore, the 1960 coup makers limited themselves in making a constitution and an electoral law. On the other hand, the 1980 coup was a ruler type of regime, which not only was instrumental in changing the Constitution, but also fundamental laws concerning the social and political set, and managed to control and regulate a much greater area than the 1960 ancestors

The 1960 military intervention was based on a collaboration between the National Security Council and the RPP, especially after the liquidation of the fourteen radicals who were opposed to the RPP and were advocating a longer stay for the military (four to five years). The collaboration of the army with certain civilian institutions and a political party was best expressed in the formation of the Constituent Assembly,

which was composed of the National Unity Committee of the military and the House of Representatives , dominated by the RPP.

On the other hand, the 1980 military intervention came with or for the support of no party. The neutrality of the 1980 army was due to the dissatisfaction of the military with what they perceived as the malfunctioning political parties and the irresponsible politicians. Thus, the NSC abolished all political parties of the pre-1980 military intervention and banned the political activities of the traditional political figures. The NSC also did not use so many civilian advisors like the 1960 coup; rather, it preferred the combination of military elements and high technocrats.

B. A COMPARATIVE ANALYSIS OF TWO CONSTITUTIONS: 1961 AND 1982

The transition to civilian politics both in 1961 and 1983 was implemented after the preparation of new Constitutions. It is important to note that in both military interventions (1960 and 1980), the military had come for a short period of time. However, their withdrawal from the political scene was based on the assumption that they had come as the saviours of democracy, and not as the ones blamed for the breakdown of the regime. The inadequate and malfunctioning administration of the country by the political elites had weakened state authority and the country had been dragged into a crisis situation. Thus, their aim was not the re-establishment of the democracy of the past; rather, they aimed at the re-

structuring of the political system in such a way, that a viable and healthy democracy would prevent a future military intervention.²²³

The legalistic obsession of the state and the political elites, that all problems emerge out of the inadequacy of the laws and the Constitution, and that the remedy to all problems is hidden in the Constitution, was the driving force for the making of new constitutions in each period, as a reaction to the inadequacy of its ancestor.

The context within which the Constitution was made, and its content have been one of the central themes of this study. My objective was to find out what kind of " democracy " the military wanted to establish. The experience of the authoritarian rule of the DP, the supremacy of the legislature of the 1924 Constitution, and the collaboration of the state elites- the military and the state bureaucratic intelligentsia , as represented by the RPP were the main factors that led to the transformation from a majoritarian and authoritative conception of democracy to the pluralistic conception of democracy, advocated by the 1961 Constitution. However, the " excessive permissiveness " with regard to human rights and freedoms, and the " excessive " limitations imposed on the executive of the 1961 Constitution, as well as the fact that the military had acted as the only and true state elite, were the driving forces for the implementation of the 1982 Constitution, which introduced the global projection of a new citizenry and political system, based on the solidarity and autonomy of the state as well as a very vague and easy to be criticised conception of democracy.

²²³Ergun Özbudun, Demokrasiye Geçiş Sürecinde Anayasa Yapımı (Ankara: Bilgi Yayınevi, 1993), pp. 58-59.

The 1961 Constitution was a liberal constitution, advocating a participatory and pluralistic democracy based on the balance of powers. The introduction of state institutions as the authorised agencies through which the nation would exercise its sovereignty was the inauguration of a democratic model guaranteed with such political " devices " as the division and checks and balances between the state powers and institutions, the judicial independence and the judicial review of the political decision organs, and the balance between the centralised administration and autonomous institutions (TRT, universities). Although a notion of " trusteeship " may be criticised, under democratic principles, in the 1961 Constitution, having in mind the inclusion of political bodies which are not based on popular elections (a portion of the Senate and the NSC), the general liberal character of the 1961 Constitution still remains. Actually, what had been criticised as " excessive permissiveness " with regard to human rights was- as Bülent Tanör argues- the effort of the constitution to introduce in the society the concept of " the culture of the constitution "; that is to say, its social influence on the introduction of collective rights and freedoms (trade unions, strikes, collective bargaining); its political influence on the creation of a participatory democracy (pressure groups, politicisation of public opinion, new political parties); and its legal influence on the creation of the legal conditions for everybody fighting for the preservation of his/her legal rights.²²⁴

The 1982 Constitution had a more restrictive character compared to the 1961 Constitution. On the legal grounds, the 1982

²²⁴Bülent Tanör, (1994), pp. 83-84.

Constitution tried to find solutions which would never damaged state autonomy, even if this meant restrictions imposed on individual freedoms. On the political grounds, the same authoritative tendency is present; civil society had been restricted from producing political alternatives and had been taken under the protective umbrella of the State Law (Devlet Hukuku); now it is the State Law that produces politics.²²⁵ Therefore, the essence of the new Constitution was authoritarian and statist, within the context of general democratic rules. The function of the constitution was not the construction of a completely new social and political system, driven by the state forces and frozen for the preservation of the state. Thus, the Constitution is no more the protective umbrella of the ruled; but rather, of the rulers.

The reformist character of the 1980 military intervention and the global projection of the 1982 Constitution lies in the fact that the military no longer trusted the bureaucratic intelligentsia. The politicisation of the bureaucracy, its political polarisation and fragmentation during the 1970s and the shift of the RPP under the chairmanship of Ecevit to the left-of-centre were the lethal blows in the collapse of the traditional state elite role of the bureaucracy and the RPP.²²⁶

²²⁵Ibid., pp. 149.

²²⁶See the works of Metin Heper, (1985), pp. 108-117; and Ahmet Evin, " Changing Patterns of Cleavages Before and After 1930 " , in *The State, Military and Democracy: Turkey in the 1980s*, Metin Heper and Ahmet Evin (eds.), (Berlin, New York: Walter de Gruyter, 1988), pp. 211.

C. EPILOGUE

When I first started working on the subject of military interventions in Turkey, I could not imagine how complicated was the process of analysing the whole web of social, political, historical, legal and economic relations and combining the right pieces of this puzzle for finding a single answer to a single question. Although the problematique of my master's thesis was the role of the military in Turkish politics in the light of examining the military interventions of 1960 and 1980, the task to find an answer to the question of whether the military act as decision-makers or as guardians of democracy necessitated the analytical examination of the political scene of its period, the civil-military relations, the programs of the military rule, and especially the formulation and essence of constitutions, which were proved to be instrumental devices for the transitional periods.

I would argue that political reality opens the path for the combination of the two parts of my hypothetical answer: the Turkish military act both as decision-makers and guardians of democracy. Actually, a more realistic and precise formulation of the above thesis would be necessary. Thus, the military intervened as the guardian of democracy and acted as decision-maker for implementing the real aim of being the guardian of the state authority. The notion of "guardianship of democracy" served as a protective umbrella in the implementation of their aims. They needed a source of legitimacy in the eyes of the people for preventing political uprisings that would make their task of restructuring the political system difficult; and, democracy- being a sensitive issue for all people wanting a

liberal and pluralistic context of participation- was the best guarantee for the military.

The strong state tradition of Turkish politics and the evolution of the centre- periphery cleavage into a cleavage between the state and political elites are crucial factors in searching the role of the military not in the realm of " power-seekers ", but in the political realm, where decision - making and guardianship of the state are combined in a delicate way. Although there is no intention of approving and applauding military interventions, I do believe that the certain military interventions were the inevitable outcomes of a lack of consensus between the state and political elites of this country, as well as the outcomes of an elitist political tradition.

In Turkish politics, consensus and compromise are values that never constitute principals of political elites. The antagonism between them is nothing but a zero-sum game; that is to say, there is the perception that only a winner and loser is in the final line of the political race. Unfortunately, the past crisis situations in Turkey were mainly characterised by this " political philosophy " with no effort of reconciliation. Government was supposed to be the winner and the opposition played the role of the loser. Thus, the rules of the political game were not contacted on the basis of rationality, but rather on the basis of a sentimental animosity leading to the malfunctioning of the system.

The historical animosity and antagonism between the state and political elites is based on the same tradition of lack of consensus and compromise. The military and the bureaucracy always perceived themselves as the guardians of the state, because they had the best qualifications for

this task: the elitist approach of being the most rational and the most educated. Their mistrust for the political elites never prevented them from attacking the work of politicians. Therefore, military interventions in Turkey were acts of reaction to the inadequacy of politicians; they were the product of the belief that the system needed a rational re-structuring for gaining its viability and increasing its resistance to any possible future interventions.

Therefore, I would argue that the military never escaped from the cave of considering itself the only elite and the only guardian of the state autonomy, who would never hesitate to use its force for intervening in the sake of protecting the state. Military interventions, being such complex political matters with deep roots in the political history of Turkey, can only be understood in the light of accepting the military as both guardians and decision-makers.

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